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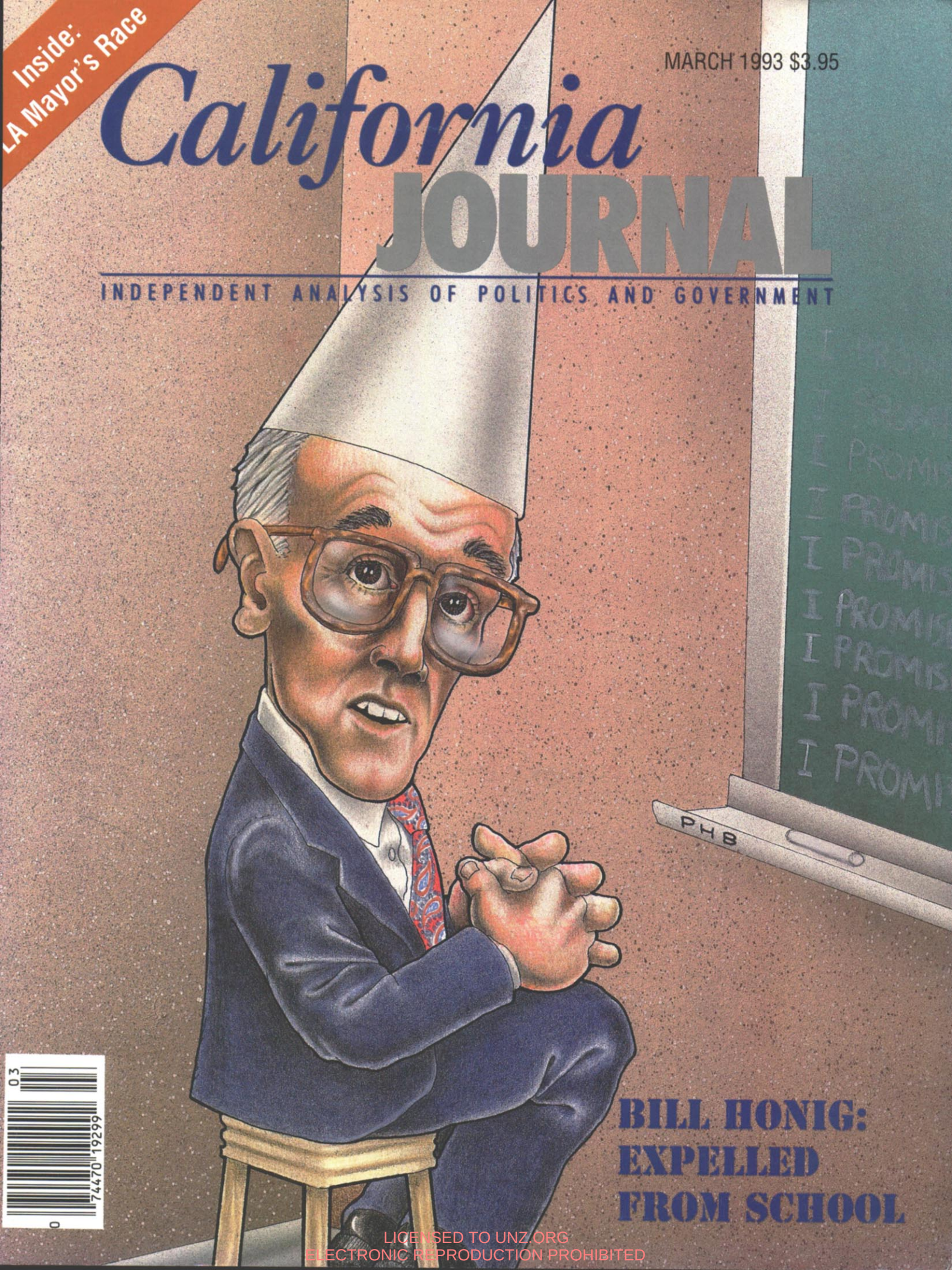

BILL HONIG: EXPELLED FROM SCHOOL

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California JOURNAL

Schools chief convicted 7
After years of dedicating himself to educational reforms, lawyer-turned-educator Bill Honig was convicted of felony conflict-of-interest charges. What led to his downfall? By Bill Ainsworth

Roster update 13
A clip-and-save page dedicated to last-minute changes in the 1993 Roster and Government Guide, including new district addresses for all members of Congress.

LA's mayoral stampede 15
52 candidates have filed to run for mayor of the nation's second largest city, including some millionaires and a bus driver. Who's out in front? By Stanley Moss

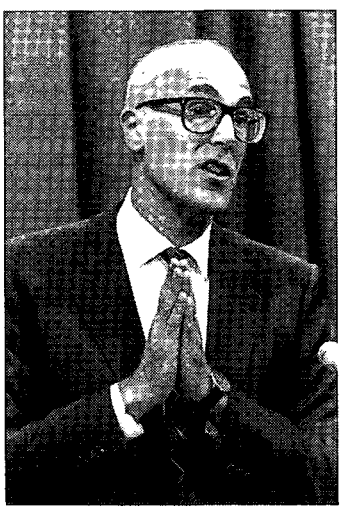
Dan Lungren, tree-hugger? 23
Better known as a champion of conservative causes, California's attorney general has won guarded praise from environmentalists. By Steve Scott

Earthquake prediction 27
Scientists have a seismic sensitivity to being considered quacks on quakes, but professional interest in predicting earthquakes continues to grow. By Michael Browne

UC's bad year 33
Suffering dual blows of budget cuts and severance-pay scandals in 1992, UC struggles to get back on track. By Ian Forsyth and Danielle Starkey

Bill Baker 37
Six-term Assemblyman Bill Baker moves to Congress. By Brian Fowler

Up Front 4
Rostrum 5
Washington Perspective 40



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UP FRONT

Dueling dreadnaughts category. Back in 1988, voters played a little joke on politicians: They passed a pair of campaign-reform measures (Propositions 68 and 73) that didn't exactly agree with each other. As a result, voters gave the state's legal profession a boost by setting in motion a series of court battles that continues to this day. The latest move, to determine if Propostion 68 will take precedence over Proposition 73, is heading to court and may be decided soon. You might remember, of course, that an earlier round of legal squabbles already decided that Proposition 73 took precedence over Proposition 68. But, hey, that's part of the joke.

A little background. Voters approved both propositions 68 and 73 with solid majorities, although 73 received more votes than did 68 (see *CJ*, December 1988). The problems arose when parts of 68 and 73 conflicted with each other and the courts had to sort out the mess. A particular point of contention came over the issue of public financing of elections; 68 provided for it but 73 banned it. Prior to these two props colliding in court, it had been assumed that only those provisions of the "loser" (68) that conflicted with the "winner" (73) would be tossed out. But the courts torpedoed *all* of Prop 68, sending it bow first into a political equivalent of the Pacific Trench.

Then, a funny thing happened to Prop 73. It, too, got torpedoed when the 9th Circuit Court of Appeals found that a provision relating to limits on campaign contributions unfairly favored incumbents and therefore was unconstitutional.

Now *both* props are at the bottom of the legal sea. What now?

Well, backers of 68 — including California Common Cause and, until he recently dropped out, U.S. Secretary of State Warren Christopher — are trying to raise their ship. They want to reinstate 68, claiming that since contribution limits were "the guts" of 73, and they were found to be unconstitutional, "You've got a dead horse and a live scheme, and a dead horse can't win a race, so 68 should replace 73," said Ruth Holton, acting executive director of Common Cause.

An unusual twist in the matter is that the current chair of the Fair Political Practices Commission, Ben Davidian, will face former FPPC chair John Larson — one of the original sponsors of 68 — in the courtroom. But they won't really be adversaries. Davidian, who is charged with enforcing the law and *not* with being a broker to decide which law is enforced, said he'll remain neutral. But he did say, "There's no way this agency can do that job [of enforcing 68] with the $500,000 it gives to put that scheme together."

Any bets on whether this is the final duel? Range ... 500 yards and closing.

Ralph rode it to the bottom. Democratic state Senator Ralph Dills doesn't seem to know that Proposition 73 was sunk by the courts. Dills recently held a birthday celebration for himself at Del Paso County Club in Sacramento, asking $500 per ticket as an entry fee. In exchange, revelers got cocktails, dinner and a glad hand from the eightyish Dills. But printed at the bottom of the reservation card were all those contribution restrictions declared unconstitutional by the court. Either Dills doesn't know that Prop 73 no longer applies, or he's developed a reformist streak and has adopted self-imposed restrictions. And one lobbyist wants to know if Dills will refuse now-legal contributions in excess of the old 73 limits. Happy birthday anyway, senator.

Inside Willie's brain, chapter 103. You remember the little skirmish that erupted in January when Speaker Willie Brown Jr. appointed Republican Paul Horcher as vice chairman of the Ways and Means Committee? In years past, the GOP caucus recommended one of its own for that slot, and the speaker usually accepted the recommendation. Last year, for example, it was Simi Valley's Cathie Wright, who has since moved over to the Senate. Well this year, Assembly Republicans wanted Stockton's Dean Andal as their guy on Ways and Means, and they were mighty honked off when Brown ignored their advice and tapped Horcher. But they were even more enraged at Horcher for accepting. The West Covina sophomore since has been ostracized and abused in caucus — even had his secretary taken away by Minority Leader Jim Brulte — and is said to spend part of his free time brooding over whether to remain in the Republican Party, or to bolt the GOP and become an independent.

In ignoring Andal and naming someone else, Brown was sending a message to the GOP about power — as if Republicans needed a reminder. So, how come the speaker singled out Horcher? Seems that back in 1990, when Minority Leader Brulte first ran for the Assembly, his primary opponent was a Pomona city councilman named Mark Nymeyer. Brulte easily won that GOP primary, but one of Nymeyer's supporters was a Diamond Bar councilman also seeking his first term in the Assembly.

You guessed it.

Paul Horcher.

Capitol sources say Brulte never got over the fact that Horcher endorsed his opponent. So, when Willie went looking for the ideal Republican to slip into the Ways and Means vice chairmanship, who better than the burr under Brulte's saddle?

Did the speaker know about the Brulte-Horcher send-up when he named Horcher to Ways and Means?

Does Nolan Ryan have a fastball?

"The forces of intolerance and political demagoguery are greedy forces, and unrestrained. There is no limit to their ambitions or their impudence. They contain within themselves no mechanism of self-control. Like the ills of Pandora's box, once released, they can be stopped only by forces external to themselves."

— George F. Kennan

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ROSTRUM

Health care

Regarding your article on health-care (see "Solving the health-care dilemma, *CJ*, February 1993), I am pleased that someone finally is making the distinction between the right to access and the right to health care. Unfortunately, the article did not discuss alternatives other than managed care. Although you correctly note that the cost driver should be the consumer and not health-care providers, you ignore the proposals that would make that reality.

I have introduced SB 93 to put health-care decisions back into the hands of consumers by establishing tax-exempt "Medisave accounts" similar to IRAs. Money in the account may be contributed by the individual, the employer, or both, but the account is the property of the individual. This account also may be supplemented with a low-cost catastrophic-care policy for major illnesses. Medisave funds may be used for qualified health care for any family member, ensuring that a large segment of the population now uninsured — dependents of employed individuals — will have funds available for medical expenses.

SENATOR BILL LEONARD
Redlands

Political labels

Conservatives are notorious for defining their opponents with such labels as "liberal media," "cultural elite," "politically correct," and "multiculturalists," yet it's fascinating how they now complain about the same treatment. Thus, I found it somewhat ironic that Wayne Johnson complained about "religious bigotry" in labeling candidates as part of the "Christian right" (see "The new crusaders," *CJ*, January 1993). Wasn't it conservative Pat Buchanan who, during the Republican National Convention last summer, called George Bush the "champion of Judeo-Christian beliefs?" And, during that same convention, didn't Missouri Governor Kirk Fordice call the United States "a Christian nation?"

MICHAEL MARTINEZ

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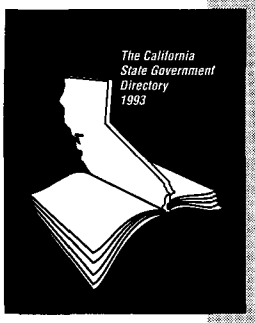

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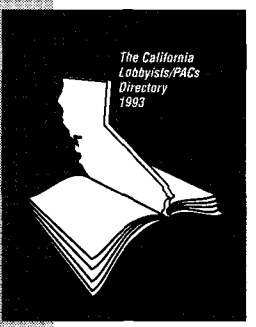

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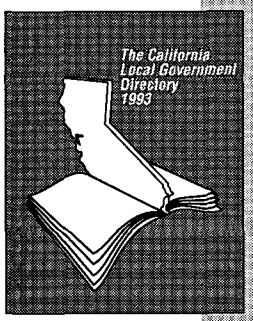

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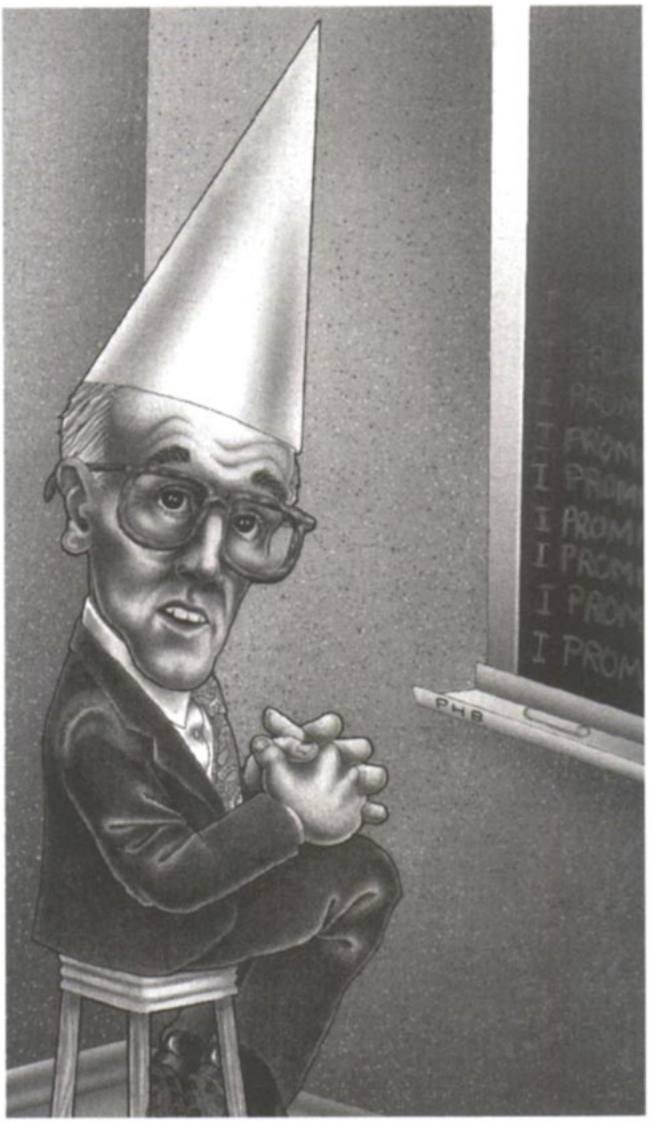

Illustration by Pierre Babasin

The tragedy of Bill Honig

Blinded by his own zealousness in the cause of education, the state schools' chief is convicted on conflict-of-interest charges and ousted from office

By Bill Ainsworth

Some of the jurors in Bill Honig's case felt as trapped as the defendant. After a three-week trial in Sacramento County Superior Court last month, they saw the state schools chief as a sincere, dedicated educational reformer. By contrast, they distrusted the star prosecution witness, a former elementary school principal whom one juror called "a snake in the grass."

But the 12 Sacramento County residents were under strict instructions to follow a narrow law, to put aside their personal feelings and to disregard the consequences of their decision for the defendant. After an afternoon of deliberations, the jury felt compelled by the evidence — laid out in a clear, methodical manner by top prosecutor George Williamson — to convict Honig on four felony counts of conflict-of-interest.

The jury found that Honig had illegally approved four state contracts worth $337,000 to his wife's non-profit foundation — the Quality Education Project — which used the money for a parent involvement program in the schools. Nancy Honig eventually earned $108,000 a year as president of the foundation.

Bill Ainsworth covers the Capitol for The Recorder, *a San Francisco-based legal daily*

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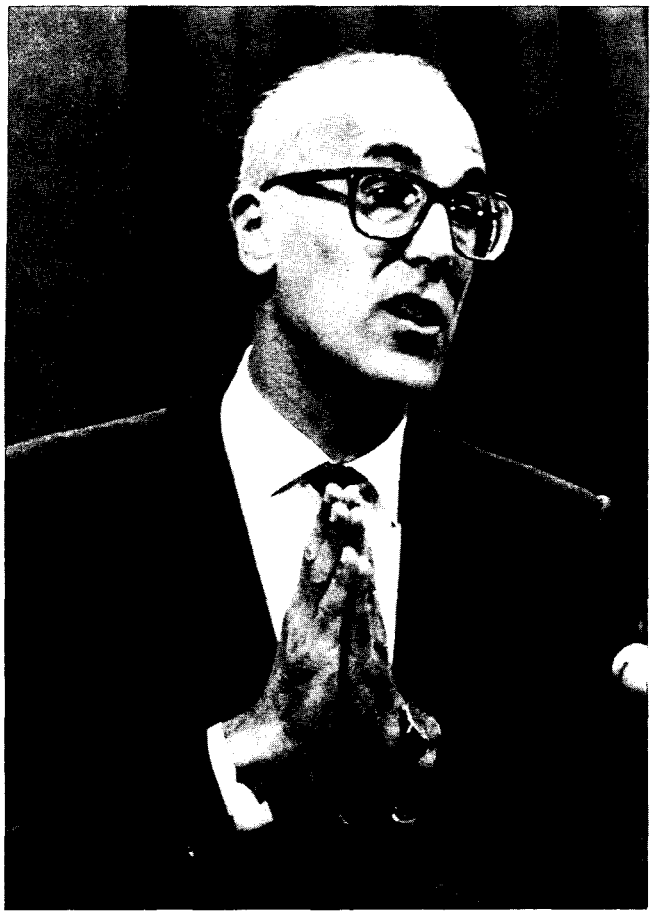

Several jurors expressed regret over the conviction. One, Jan Tarro, a program analyst for the state, said she was torn between her duty to assess the facts fairly and her belief that Honig was the victim of a "political subplot."

"I hated doing that to that poor man," she said. "I don't think he deserves it."

Tarro said she plans to write a letter to Attorney General Dan Lungren asking him a question that many Honig supporters have raised: Why did he prosecute Honig on criminal charges, rather than file a civil lawsuit against him? Honig supporters say the decision was based on politics. They believe Lungren, a conservative Republican, targeted Honig because he is a Democrat despised by the GOP's right wing.

UCLA Law Professor Dan Lowenstein said he believes Lungren made an error in prosecutorial discretion. "I don't think you should prosecute people for exercising bad judgment," said Lowenstein, a Democrat and the first chairman of the Fair Political Practices Commission.

But Honig's enemies say the verdict vindicates Lungren's decisions. How can Honig be a victim of a right-wing conspiracy when 12 impartial jurors found him guilty of misusing tax dollars?

For his part, Lungren, who ran for office on a platform of enforcing public integrity laws, said the case was conducted "according to the highest standards of professionalism." The verdict, he said, affirms that "our case had merit and the charges were legitimate."

The verdict also ends Bill Honig's 10-year reign as California's superintendent for public instruction. His intense dedication and his gift for publicizing his achievements had earned him a nationwide reputation as an educational innovator, fueling speculation that he might be the next U.S. education secretary. Instead, he faces a sentence of up to five years in prison.

On the advice of his lawyers, the 55-year-old Honig declined to be interviewed before his sentencing.

During his career, Honig was a crusader for more money for public schools, more challenging classwork and better teacher training. Last year, he led the education community in a protracted fight with Republican Governor Pete Wilson over school funding.

Honig had not always planned to be an educator. Born into a prominent San Francisco family, he was once on the fast track toward a lucrative legal career. He earned a law degree from Boalt Hall at UC Berkeley, won a coveted position as a clerk at the state Supreme Court and joined a prestigious San Francisco law firm.

He first stepped in front of a classroom as part of a program for lawyers to teach high school students about the U.S. Constitution. "When I got into the classroom, something clicked," he wrote in his 1985 book, "Last Chance for Our Children." "It was like falling in love. I decided I was going to shift professions and become a teacher."

Overflowing with idealism, Honig joined an innovative program that sent young teachers into schools in an impoverished neighborhood in San Francisco. Later, he became a teacher and then a superintendent in an affluent district in Marin County. In 1975 then-Governor Jerry Brown appointed him to the state Board of Education.

In 1982 the little-known, 44-year-old Honig launched his elective career by running for the schools' top job against three-term incumbent Wilson Riles. Honig borrowed money against his home to pay for television advertisements that stressed his platform of returning to traditional education. He finished a distant second to Riles in a crowded June primary (41 percent to 25 percent) but captured enough votes to force Riles into a November run-off. Riles, 65, was backed by teacher unions, but Honig used a $2 million warchest to hammer away at declining statewide test scores and call for a return to more traditional methods in the classroom. His message struck a nerve with voters, who gave Honig an 800,000-vote victory in November.

But Honig's single-minded — some say self-righteous — pursuit of reform also earned him many enemies, including proponents of a voucher system for schools, creationists and the conservative-dominated state Board of Education.

As superintendent, Honig's first major accomplishment was getting more money for longer school days from the Legislature and from tight-fisted Governor George Deukmejian in 1983. The landmark legislation also raised teacher salaries

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and strengthened graduation requirements. Later, he developed a more challenging curriculum for students, helped coordinate the new curriculum with better textbooks and developed tests to evaluate the new body of knowledge.

"He's irreplaceable," said Stanford education professor Michael Kirst, who specializes in California schools. "He was the dean of instruction for California students."

Kirst said Honig's contribution to educational reform was to look at the entire system. Previously, each sector within the Department of Education had worked independently from the others.

I don't think you should prosecute people for exercising bad judgment

— Dan Lowenstein

"He saw that you had to attack all the major policy areas at once," said Kirst, who served on the state board of education with Honig during the 1970s.

Honig's tireless battles for more money and higher standards earned him strong support not only from administrators and parents but also from teachers. "Bill Honig did enormous good," said California Teachers Association President Del Weber. "He was and remains a nationally recognized leader in education reform."

But Honig's single-minded — some say self-righteous — pursuit of reform also earned him many enemies, including proponents of a voucher system for schools, creationists and the conservative-dominated state Board of Education.

Unlike his predecessor, Honig chose to step into the middle of the controversy over how to teach evolution in the classroom. Creationists, who believe the Old Testament story that the world was created in seven days, argue that school textbooks should treat creationism and evolution as equally valid theories. Honig, citing overwhelming scientific evidence, argued successfully that evolution should be taught as the accepted theory.

Honig's strong stance provoked vehement opposition from fundamentalist groups. Deukmejian, who engaged in bitter feuds with Honig over school funding, appointed some of Honig's creationist opponents to serve on the state Board of Education. Members of the board, in turn, became embroiled in a separate fight with Honig over control of the Department of Education. In 1991 the board filed a lawsuit to strip Honig of budget-making power and to give the board the right to approve the appointment of top department officials and major contracts. Ultimately, Honig's opponents played a key role in gathering the information that became the basis for the charges against him.

Fred Boeger, who used to run a boys' ranch in Monterey County under contract from the state Department of Education, is perhaps Honig's most dedicated opponent. Boeger turned a fight with the department into a personal crusade against Honig. For nearly three years, he has been gathering information about the Quality Education Project and feeding it to reporters and investigators.

State Board of Education President Joe Stein also pushed hard for an investigation. Two years ago, he asked the Fair Political Practices Commission to look into Honig's connections with the QEP. After the commission decided against pursuing charges, Stein wrote to Lungren.

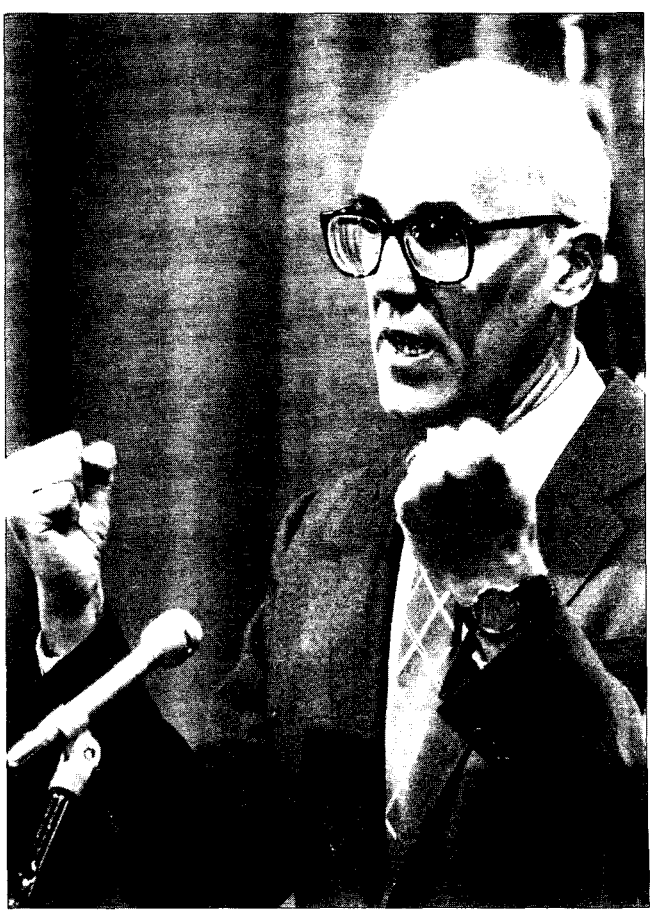
Lungren, however, was already investigating the case, which he had inherited from the previous attorney general, Democrat John Van de Kamp. A Sacramento Grand Jury indicted Honig a year after Lungren took office.

Honig's attorneys believed that a pre-trial ruling by the judge put their client at an immediate disadvantage. The judge limited evidence concerning Honig's character and the quality of his wife's foundation.

During the trial, the prosecution argued that state contracts played a crucial role in the success of the Quality Education Project, helping it develop a product and expand. This expansion, in turn, enabled it to pay Nancy Honig a salary and to pay the Honigs rent for using their fashionable San Francisco home as headquarters.

Honig never disputed the fact that he approved the contracts. During cross examination, prosecutor Williamson repeatedly emphasized this approval, saying that Honig had favored his wife's company by failing to put the contracts out to bid. Honig replied that he approved the contracts because QEP had donated additional money to the schools and provided "the most powerful program for the kids."

The jurors were impressed by the lanky, energetic defendant's appearance on the witness stand. They found him sincere and likeable. In contrast, they disliked the prosecution's star witness, former QEP executive director Linda Page. But the



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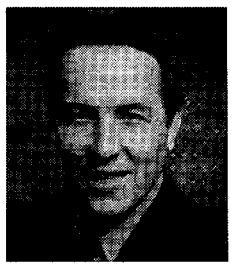
The Honig aftermath: the quest for a successor

Morgan

Bergeson


Mehas

The same highly charged, partisan atmosphere that surrounded Bill Honig's trial has also dominated the process for selecting his successor as superientendent of public instruction.

Just a few days after Honig's conviction, Assembly Speaker Willie Brown, a San Francisco Democrat, said that Republican Governor Pete Wilson must appoint a Democrat in order to win Assembly confirmation.

"It was a Democrat who was elected. It's a Democrat holding the job," Brown said.

Seizing the political high ground, the governor shot back that his list of replacements for Honig includes both Democrats and Republicans. "It's unfortunate that the speaker appears to be putting politics before the needs of California's children," said Kassy Perry, deputy director of communications for Wilson.

Honig was suspended from office immediately upon conviction and will be permanently removed as state superintendent of public instruction on February 26th, the date he is scheduled to be sentenced on four felony counts of conflict-of-interest. The 55-year-old Honig had served 10 years as state schools chief. His chief deputy, William Dawson, has taken over as acting superintendent.

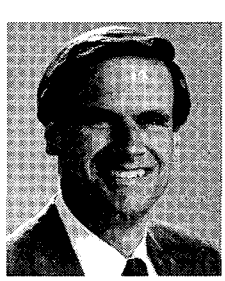
Wilson's appointee will have to be confirmed by both houses of the Legislature. Those on the short list include Republican state Senators Rebecca Morgan of Menlo Park, a former teacher and vice-chair of the Senate Education Committee, and Marian Bergeson of Newport Beach, a key player in school financing legislation; and Peter Mehas, a former education advisor to former Governor George Deukmejian and superintendent of the Fresno school district. Maureen DiMarco, a Democrat who serves in Wilson's cabinet as secretary of child development and education, is also being considered.

Meanwhile, state Senator Gary Hart, a Santa Barbara Democrat who heads the Senate Education Committee, has announced that he will run for the post in the June 1994 election against whomever Wilson appoints. Hart's chief of staff, Joe Caves, has already quit his staff job to begin planning a campaign strategy. A former teacher, Hart plans to emphasize his experience. During his 11-year tenure on the education committee, he has carried a wide variety of school bills, including bonds for school construction and curriculum changes. Last year, he sponsored a law that encourages creative approaches to education by allowing groups to set up "charter schools."

But Hart will have plenty of competition from another Democrat — Assemblywoman Delaine Eastin of Union City, who heads the Assembly Education Committee and has strong support from the California Teachers Association. Eastin has said she will run for the job, even if she has to take on Hart.

Unlike most state offices, state superintendent of public instruction is a non-partisan position with no party primary. The winner, however, must receive more than 50 percent of the vote.

— *Bill Ainsworth*


Hart

DiMarco

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facts, the jurors felt, spoke for themselves.

Teri Cholez, a juror and an administrator, said that Honig's enthusiasm for his wife's project had led him to break an unforgiving law. "He got so caught up in having to put in a parent involvement program that he developed a blind spot," she said.

The state's conflict-of-interest law is strict. Dating back more than 100 years, it bars state officials from ever approving contracts in which they have a financial interest. Over the years, however, the law has been enforced almost exclusively through civil lawsuits. For a civil violation, the penalty is to void the contracts, forcing the public official to return the money. A criminal conviction, however, requires the official to give up his office.

Lungren's decision to file criminal charges caused many Honig supporters to claim that the prosecution was motivated by politics. As evidence, they point to a similar case against the wife of a prominent Republican, former state Senator William Campbell. The attorney general's office accused Margene Campbell of trading on her husband's name to get a state contract to manage a charity event, the "Senator William Campbell Conference on Women." Prosecutors also contended that she earned excessive profits from the event.

But unlike the Honig case, Lungren filed a civil suit against Margene Campbell. The suit, which was settled last year, did not name William Campbell, now president of the California Manufacturers Association.

Joseph Symkowick, general counsel for the state Department of Education, said he was surprised by the difference in

The verdict affirms that our case had merit and the charges were legitimate.

—Attorney General Dan Lungren

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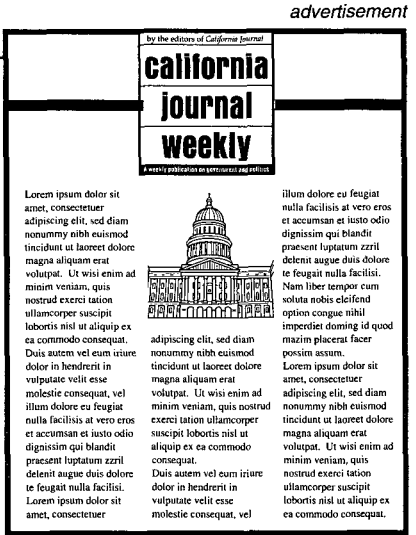

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the way the two cases were handled.

"It's difficult for me to see how you could convict Honig and not even prosecute William Campbell," said Symkowick, who added that he is not a criminal attorney.

Lungren press secretary Dave Puglia, however, said there were significant differences. Unlike Honig, Campbell was not involved in the state's approval of his wife's contract. In addition, Lungren had only 60 days to file criminal charges before the statute of limitations ran out.

"Had there been any activity that warranted criminal prosecution, we would have had to file in a blink," Puglia said. "We didn't find any."

Former Attorney General John Van de Kamp said he wonders about the decision to bring criminal charges against Honig. "There's a major question of whether the punishment fits the crime," he said. "I don't care whether it be a Democrat or a Republican."

Ruth Holton, acting director of California Common Cause, said the Honig prosecution demostrates the need for a special prosecutor to handle cases against elected state officials. "If Honig had been a Republican, would Lungren have gone as far? Who knows?" Holton said.

Other Honig supporters have even charged that ultra-conservative activists and prosecutors joined in a conspiracy to destroy him. Lungren, who declined to be interviewed until sentencing is completed, denounced such theories in a statement as "vicious attacks on my own integrity." Despite such attacks, he said, his office will continue to investigate wrongdoing on the part of public officials. "We will vigorously pursue evidence of public corruption wherever it leads and conduct our inquiry in the same manner in which we handled this case — with fairness, integrity and professionalism."

Board of Education President Stein said that the 11-member board now feels vindicated by the conviction. "We feel that the verdict by an impartial jury proves that Honig's prosecution was not a conspiracy by the far right," he said.

The prosecution may not have been the result of a conspiracy, but certainly Honig's longtime opponents will benefit from his conviction. They say that the verdict will boost the causes he fought against: creationism, cuts in school funding and the voucher initiative.

Kevin Teasley, who heads the campaign in favor of school vouchers, said Honig's conviction will provide voucher supporters with a powerful argument that the current public school system is corrupt. "If you have your top school official found guilty of corruption, what kind of example is that?" Teasley said.

The voucher initiative, which has already qualified for the June 1994 ballot, requires the state to provide each parent with $2600 per child toward tuition at any private school of their choice.

The new schools chief, soon to be appointed by Republican Governor Pete Wilson (see story, page 10) is not likely to be as combative or controversial as Honig. Nor is he or she likely to battle Wilson as tenaciously for more school funding, education advocates say. As a result, supporters of Honig's reforms see his conviction as a setback for their cause. They also view the conviction as a personal tragedy for Honig.

"There's no question that people were after him," said John Mockler, a lobbyist for the Los Angeles Unified School District, "but he gave them the gun."

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1993 Roster Update

Since publication last month of *The 1993 Roster and Government Guide*, numerous changes have been made in district addresses for members of Congress. The correct addresses and phone numbers for all members are listed below. In addition, some corrected California state government information is listed.

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1700 Montgomery St, #240
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Senator Dianne Feinstein (D)
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San Francisco 94111
(415) 249-4777

Bill Baker (R-10)
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Xavier Becerra (D-30)
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(818) 999-1990

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Panorama City 91402
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Colton 92324
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Gary Condit (D-18)
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Modesto 95354
(209) 527-1914

Christopher Cox (R-47)
4000 MacArthur Blvd, E Tower #430
Newport Beach 92660
(714) 496-2244

Randy Cunningham (R-51)
613 W. Valley Park Way, #320
Escondido 92025
(619) 737-6197

Ron Dellums (D-9)
201 13th St, #105
Oakland 94612
(510) 763-0370

Julian Dixon (D-32)
5100 W Goldleaf Cir, #208
Los Angeles 90056
(213) 678-5424

Calvin Dooley (D-20)
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Visalia 93279
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John Doolittle (R-4)
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Roseville 95661
(916) 786-5560

Robert Dornan (R-46)
300 Alicante Plaza, #360
Garden Grove 92640
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David Dreier (R-28)
112 N Second Ave
Covina 91723
(818) 339-9078

Don Edwards (D-16)
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(408) 345-1711

Anna Eshoo (D-14)
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Palo Alto 94301
(415) 323-2984

Vic Fazio (D-3)
722B Main St
Woodland 95695
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Bob Filner (D-50)
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Oxnard 93030
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Carlos Moorhead (R-27)
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Ron Packard (R-48)
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Vista 92084
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Nancy Pelosi (D-8)
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Lucille Roybal-Allard (D-33)
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Ed Royce (R-39)
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Fullerton 92632
(714) 992-8081

Lynn Schenk (D-49)
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(619) 291-1430

Fortney Stark (D-13)
22320 Foothill Blvd, #500
Hayward 94541
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Bakersfield 93309
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Esteban Torres (D-34)
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Pico Rivera 90660
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Walter Tucker (D-37)
145 W. Compton Blvd
Compton 90220
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Maxine Waters (D-35)
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Los Angeles 90003
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Henry Waxman (D-29)
8425 W 3rd St, #400
Los Angeles 90048
(213) 651-1040

Lynn Woolsey (D-6)
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Petaluma 94954
(707) 795-1462

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Sacramento 95814

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Vacant

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Director: Dr. Stephen Mayberg

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Don Rogers (R-17)
New district office:
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Field Rep: Don Kuhns

Assembly
Louis Caldera (D-46)
Capitol fax: (916) 443-6812

Jan Goldsmith (R-75)
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District fax: (619) 486-3334

Betty Karnette (D-54)
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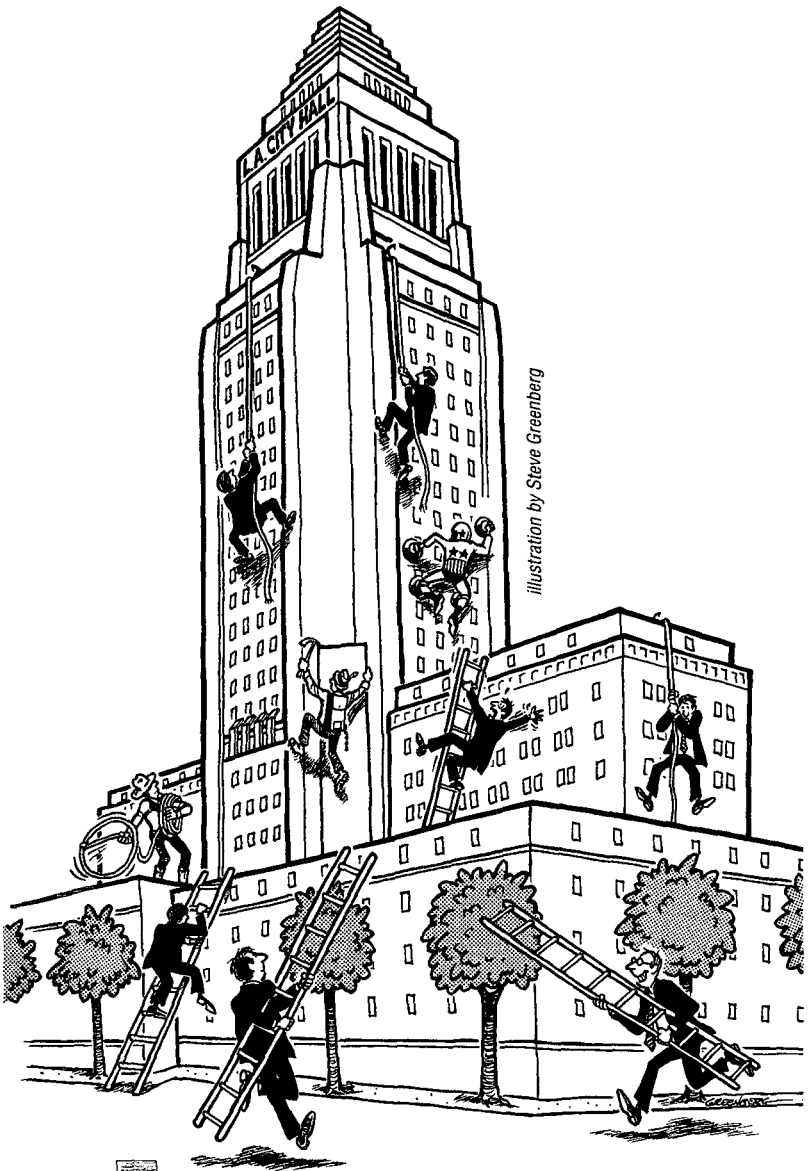

illustration by Steve Greenberg

The crowded race for mayor of Los Angeles

52 candidates jostle for space; Councilman Mike Woo forges early lead with many voters undecided

By Stanley Moss

It is a city riven with problems — strident racial conflict, disastrous unemployment, unceasing influx of illegal immigrants, free-wheeling crime and street shootings, an embattled school system, traffic-jammed freeways and streets, stifling air pollution, densely crowded city hospital emergency rooms, a budget out of balance by $140 million. And these are only the more pressing problems facing Los Angeles.

In addition to the problems, the city charter keeps the mayor on a short leash held firmly by the 15 men and women of the city council. The mayor may bark about solutions to the problems, but it is the council that has the bite. So, why hanker to succeed longtime Mayor Tom Bradley, who has decided not to seek re-election in 1993? Yet, 52 contenders are eager to wage an all-out, knock-down brawl to sit at the end of that leash. Of this regiment of wanna-bes, as many as 11 could realistically emerge as one of the two top vote-getters in the April 20th primary and thus be plunged into a June run-off election.

It would take several issues of *California Journal* to cover all the candidates who aspire to follow Bradley into the mayor's office. What follows instead is a sketch of the 11 so-

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Stanley Moss is a freelance writer from Los Angeles.

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1993 LA Mayor's Race

Listed below, in alphabetical order, are the 52 persons running for mayor of Los Angeles in the March primary. An * indicates that the candidate is among the 11 front-runners profiled in the accompanying story.

Saleem Akbar
Virginia Akopoff
Kim Allen
Stanley Allen
Eileen Anderson
Philip Ashamallah
Walter Bannister
Peter Baxter
Jodi Bennett
Ernani Bernardi*
John Bishop
Kwame Boateng
John Borunda
Adam Bregman
Frederick Buhl Jr.
Andre Butler
Douglas Carlton
Suleiman Edmondson
"Melrose" Larry Green
Linda Griego*
Ted Hayes Jr.
Nate Holden*
Tom Houston*
Vicki Hufnagel
Walter Hyman
Pyung Soon Im
Richard Katz*
Michael Leptuch
Julian Nava*
Brette X. New
Joanne Ohanesian
Nick Patsaouras*
Randy Pavelko
Michael Pusateri
Richard Riordan*
Seymour Rosen
Stan Sanders*
Leonard Shapiro
Chrystal Starling
Marc Strassman
Ronald Sugarman
Frank Teran
James Thompson
Rudolph Thompson
Sheldon Tobias
Elgin Trammell Sr.
Oscar Valdes
Herb Vernon
Joseph Vesalga
Joel Wachs*
Michael Woo*
Irwin Zucker

called "front-runners:" which constituencies support their bid; how much money can they raise (and will it be enough); and how they plan to attack the city's myriad problems. By category, four are current members of the city council (Nate Holden, Joel Wachs, Ernie Bernardi and Michael Woo) two are businessmen (Richard Riordan and Nick Patsaouras), one a state assemblyman (Richard Katz), one an educator (Julian Nava), two are lawyers (Tom Houston and Stanley Sanders), and a deputy to Mayor Bradley (Linda Griego).

It also is interesting to note who is *not* running. Early speculation about viable contenders had focused on three well-known elected officials: city councilmen Richard Alatorre and Zev Yaroslavsky and County Supervisor Gloria Molina. Alatorre actually announced his candidacy, then withdrew at the end of November. Yaroslavsky, too, said "no thanks" in early December, marking the second time in as many mayoral races that the 43-year-old official iced up at the starting line. He would have had to give up his council seat to run, since he's due for re-election this year. And Molina decided to stay put in her influential county post.

At the outset, two factors seem to weigh heavily upon the race: money and factionalism, as represented by the city's vast ethnic, cultural, religious and political diversity.

First, money. As with any political race, an important factor is a candidate's ability to raise campaign swag, whether from special interests, interested donors, one's own pocket or — in the case of Los Angeles — from the city's coffers thanks to a law that provides matching funds for candidates. And when it comes to financial muscle, one candidate seems to stand above the field: multi-millionaire Richard Riordan.

Riordan's personal fortune also has allowed him to put his opponents squarely on the horns of a dilemma: Early on, he announced that he won't apply for matching funds from the city. This is not an entirely altruistic gesture, however, for it means his opponents face a ticklish political decision. If they, too, renounce public money, each would have to devote precious time and energy to raising enough money to stay even with what Riordan could pour into the race from his deep personal pocket. If, on the other hand, they accept public money, Riordan can paint them as pigs siphoning off precious resources from the public trough while the city struggles to meet its financial obligations. On the third hand, it opens up Riordan to charges that he is buying the election.

As it stands now, the city has set aside some $8 million as the source of matching funds for races for both mayor and city council. When the number of mayoral candidates swelled to 52, the city Ethics Commission, which oversees such doings, was compelled to alter its original plans. Instead of alloting $677,000 to a qualifying mayoral candidate, the money bag has been reduced to $333,500. Basic ground rules for getting money apply, however. No qualifying candidate may accept more than $7000 from an individual contributor who, in turn, is not permitted to give more than $7000 in total — whether to one candidate or spread among them all. Moreover, giving the whole $7000 to one hopeful is allowed only if some other candidate spends $30,000 from his own wallet.

Riordan, meanwhile, has declared it improvident for the city to parcel out any money to politicos when that money could be used for other, more essential purposes. Of course, Riordan's personal fortune allows him to embrace this notion, and only one other candidate, businessman Nick Patsasouras, is thought to have the personal assets to keep pace with Riordan if fund-raising efforts fall short and it becomes too unseemly to take city money. City Councilman Mike Woo, who began raising money more than a year ago and is reported to have amassed more than $900,000, was considered able to run his campaign without matching funds. But Woo, who did well in a recent *Los Angeles Times* poll, became the first candidate to belly up to the public trough by applying for matching moola. In addition to tapping the deep pockets of the Asian community, Woo's wealthy father is supportive of his son's ambition.

Councilman Joel Wachs and Assemblyman Richard Katz can tap the generosity of the politically active Jewish

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community. And although that community has a long history of political giving, Wachs and Katz may be at a disadvantage if they must compete for Jewish dollars.

But Riordan's tactic of eschewing public money may impact most severely on other candidates without personal riches or well-heeled natural constituencies — Councilman Nate Holden and attorney Stanley Sanders, who are African-American; attorney and former Deputy Mayor Tom Houston; and Julian Nava, Jimmy Carter's ambassador to Mexico and the leading Latino candidate.

And then there is the factionalism of a city divided among many competing interest groups. Factionalism plays a role in non-partisan municipal elections where instead of rallying around a political party, voters are more likely to gravitate toward blocs based on culture, ethnicity, gender, religion and lifestyle.

"Ethnicities being what they are," says Reverend Cecil Murray of the First African Methodist Episcopal Church, "it is like family, and one would tend to uplift the family ... and vote their favorite sons and daughters."

The city's major ethnic blocs are Latinos, African-Americans, Jews and Asians, and each bloc has a candidate or candidates in the race. In addition, other voting blocs may flex political muscle as well. Riordan, for instance, may benefit from his close relationship with Cardinal Roger Mahoney in a city with many Catholic voters. And although the race is ostensibly non-partisan, Riordan, as the only known Republican, may have special appeal to those who consider themselves Republican, as well as being able to expect important support from the city's business community.

Wachs and Katz will split the Jewish community. Wachs, for example, has signed on Stanley Hirsh as a fund raiser — a job he also did for Bradley. Not surprisingly, Hirsh thinks his horse has the lead among Jewish voters, especially among the elderly.

But Katz' campaign manager, Peter Taylor, disagrees, saying, "Richard has been very involved with the Jewish community on the West Side and is very well known. Besides, Jewish folks are going to make up their minds on lots of other issues."

Taylor says Katz has a "big voting base" from which to start. He also has glitzy strength in another quarter — his consultant, one James Carville, whose most recent political job was getting Bill Clinton elected president of the United States. Wachs, meanwhile, may have a significant edge in the artistic and gay communities because of his long-time support for their issues. Both Wachs and Katz also represent significant numbers of Latino voters on the council and in the Legislature. Woo, Nava, Griego, Sanders and Holden have obvious ethnic advantages in the Asian, Latino and African-American communities.

Houston and Patsasouras, on the other hand, do not seem to have any "natural" constituencies. Patsasouras touts his involvment with building the city's rapid-transit system, but fast trains are neither an emotional nor glitzy issue.

Houston, however, has latched onto what may be the most controversial and divisive issue of all, one that finds deep and broad support among Caucasians — the enormous cost of illegal immigration. Houston contends that the city spends some $900 million a year on social services for illegal immigrants, although there is no evidence that the final tab is that high. Latinos themselves seem split on the issue. There is some indication that Houston's message may find some sympathy among Latinos who have worked hard to establish themselves and become citizens.

But Dolores Sanchez, publisher of a group of Spanish-language papers in northeastern Los Angeles, says that Houston's views have been "sensationalized." As a result, while some Latinos may feel his claims are valid, he's been dismissed as a candidate. Sanchez concedes a "fondness for Julian Nava." She also says that Woo has "great support" among Latinos.

It must be remembered that the goal at this point is not to win the mayor's job outright in April. That would require more than 50 percent of the vote — an impossible task in so crowded a field. The goal is to reach a two-person runoff in June, and that may be accomplished with only 15 to 17 percent of the vote.

A thumbnail on the main contenders:

Ernani Bernardi
City Councilman

Maybe Ernani Bernardi was inspired to climb into the mayoral race because saxophone players seem to be on a roll. After all, Bill Clinton parlayed his sax appeal into the presidency. And Clinton is a rank amateur compared with Bernardi, who spent his early career blowing notes for such big band legends as Tommy Dorsey and Benny Goodman. Alas, that was more than half a century ago. Politically, the eightysomething Bernardi has been around forever. First elected to the Los Angeles City Council in 1961, he jumped into the mayoral race at the eleventh hour and could be something of a spoiler for Assemblyman Richard Katz. Bernardi represents an important slice of the San Fernando Valley, which, by the way, serves as Katz' home base. Because of his long tenure, Bernardi has wide name recognition (65 percent, according to a recent *Los Angeles Times* poll), but observers question his ability to raise the kind of money it will require to push to the front of the pack. Thus, he's left to run on his reputation. Throughout his tenure on the council, the former big band musician has been known as a cantankerous complainer about the high cost of government. Bernardi, who at 81 clearly is the slate's elder statesman, also is known as a tenacious worker who has waged successful past battles against the police and fire unions. But although widely known, the *Times* poll showed that only 2 percent of voters were inclined to vote for him — well below the 32 percent of leader Michael Woo.

Linda Griego
Businesswoman, Former Deputy Mayor

Griego, the former deputy mayor for business development, entered the race at the last minute, and she poses problems for two other candidates — namely, Nava and Woo, who had been working hard in the city's vast Latino community. Some Latino leaders, especially Latinas, think Griego could do well, despite a lack of early fund-raising. Well known among Latinos, Griego is the most recognized woman among the 52 contenders — an astounding development given that the 1992 election was billed as the "year of the woman" nationwide, not to mention California, which sent two women to the United States Senate. The *Times* poll showed Griego was known to about 43 percent of voters but had yet to parlay that recognition into vote-getting ability. Only 4 percent indicated they were willing to vote for her, and she was the first choice

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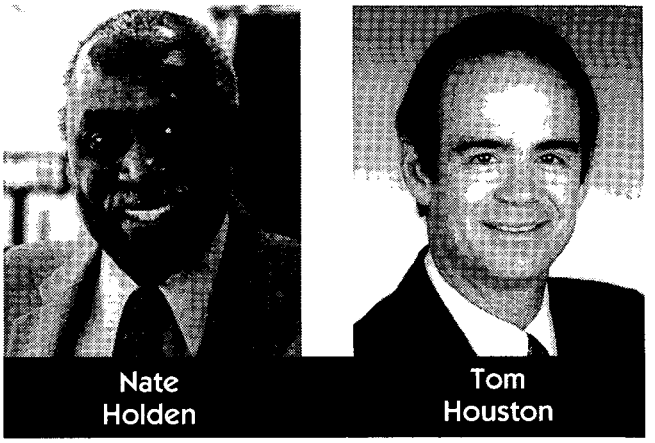

of only 2 percent — the same percent as the other prominent Latino, Julian Nava.

Nate Holden
City Councilman

Nate Holden is nothing if not confident about his qualifications. Part of why he thinks he's so qualified is his four years in the state Senate, where he made friends with colleagues who went on to Congress. Also, as assistant chief deputy to long-time, now-retired county Supervisor Kenneth Hahn, he came to understand the board's role in local government. He says these contacts and experiences give him a leg up in unraveling some of Los Angeles' knottier problems.

Holden's ethnicity could help; he's the most well-known African-American candidate. But his abrasiveness and recent charges of sexual harrassment — plus his council vote not to put embattled former Police Chief Daryl Gates on administrative leave following the South Central riots last year — may have dimmed his appeal among Blacks. He has displayed vote-getting ability beyond the African-American community, however, as evidenced by his close race with Bradley back in 1988. He recently won the endorsement of newly elected Supervisor Yvonne Burke, and the recent *Times* poll shows his name identification (84 percent) second only to Mike Woo. But that same poll bore some bad news for Holden: His negative score ranked first by a long margin as 41 percent of those polled said they were inclined to vote against him.

Tom Houston
Lawyer, Former Deputy Mayor

Houston may try to ride controversy into the mayor's office. To that end, his main campaign focus is the illegal immigration that he says is crippling the city, and he blames the illegals for the collapse of public medical care, welfare programs and education. He wants the federal government to halt the stream of illegals into the country, to provide urban cities in states that border on Mexico with "immigration impact" aid, or "relieve local taxpayers of their legal obligation to pay for [social services] for illegal immigrants and their families. Critics have called this strategy scapegoating, and it hasn't played well among the city's large Latino population.

Nor does his controversial stand on immigration seem to be boosting him among voters. The *Times* poll placed him third from the bottom among the prominent contenders in name recognition; only 27 percent knew who he was compared with 89 percent for front-runner Mike Woo. He was the first choice of 2 percent of those polled.

Richard Katz
State Assemblyman

If anyone had to be discouraged by the recent *Times* poll, it was Richard Katz. Although 53 percent of respondents recognized his name, only 10 percent said they were inclined to vote for him and only 3 percent said he was their first choice. Those numbers put him well behind Councilman Mike Woo. As first choice, he finished a distant fourth. Katz, who has represented the northeast San Fernando Valley for the past 12 years, currently serves as chairman of the Assembly Transportation Committee. He's regarded as smooth and intelligent; a problem-solver well-versed in the give-and-take of political compromise.

Katz decries "the attitude at City Hall that is, if you need to pay for anything, you raise taxes." One of the ways to give the city alternatives for programs, he says, is to effect changes in the city charter and in some federal administrative statutes that could bring in $200 million "just by increasing landing fees, running concessions differently, managing airport revenues differently and putting some of the property back on the tax rolls." Like other candidates, Katz looks to the building of a mass transit system in the city to create many thousands of jobs.

Julian Nava
Educator

Julian Nava, a history professor at California State Universty, Northridge, served 12 years as an elected member of the Los Angeles Board of Education and gained high praise as Jimmy Carter's ambassador to Mexico. And as one of two leading Hispanic candidates, he is riled by attacks on illegal immigrants. "It's an atrocious, petty, mean attitude," he says. They are undocumented workers, in Nava's view, who come here knowing "hypocritical American citizens are delighted to hire them to save a few bucks." He is convinced that more and more segments of the economy rely on these undocumented workers for their economic well-being.

Nava mostly had the Latino tag to himself until the eleventh hour when former Deputy Mayor Linda Griego entered the race. Griego and Nava enjoy about the same name recognition, according to the *Times* poll, although 9 percent of those polled said they were inclined to vote for Nava, compared with only 4 percent for Griego. Both candidates were the first choice of 2 percent. Nava and Griego also have been hurt by Mike Woo's hard work in the Latino community.

Nava sees the mayor's responsibility to use his office as

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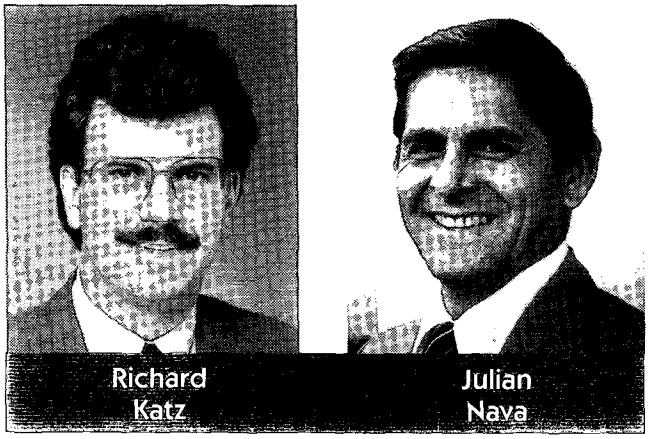

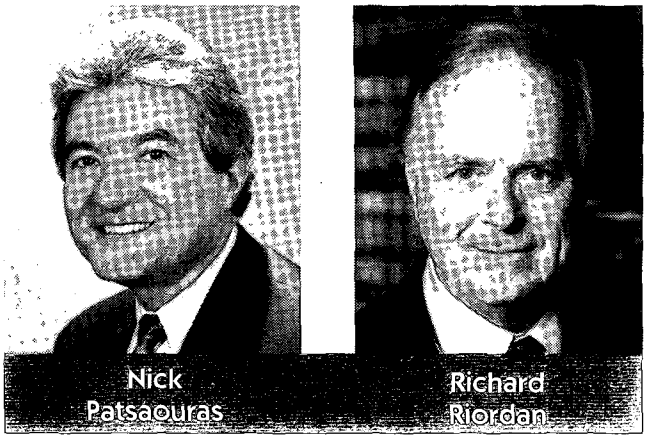

"the bully pulpit" and to use what influence he has over the cty council to get people to face up to the present dire plight of the city. "They expect leadership from him and are disappointed when he turns out to be toothless."

Nick Patsaouras
Businessman

Campaigning as "the man with a plan," Nick Patsaouras believes meaningful answers to the city's troubles lie in a "modern transportation system." As a board member of the Southern California Rapid Transit District and Los Angeles County Transportation Commision, he envsions more than a bonanza of jobs to come from the $180-billion transit system. He also sees a healthy impact on the quality of life in Los Angeles, including development of affordable apartments, child-care centers, shopping malls, space for medical services and a pleasant greenway around each rail station.

Patsasouras isn't worried about his lack of name recognition among voters (the *Times* poll pegged it at 21 percent). He says his campaign has attracted unsolicited calls from throughout the city from people who want to be part of his effort. In addition he says he expects support in Latino communities because he pushed for the hiring of minorities in the construction of the transit system; he has the endorsement of state Senator Art Torres and County Supervisor Mike Antonavich, and looks forward to the support of City Councilman Richard Alatorre. He also believes he will have support among both Black and Jewish voters once they know how his plan will improve life in Los Angeles.

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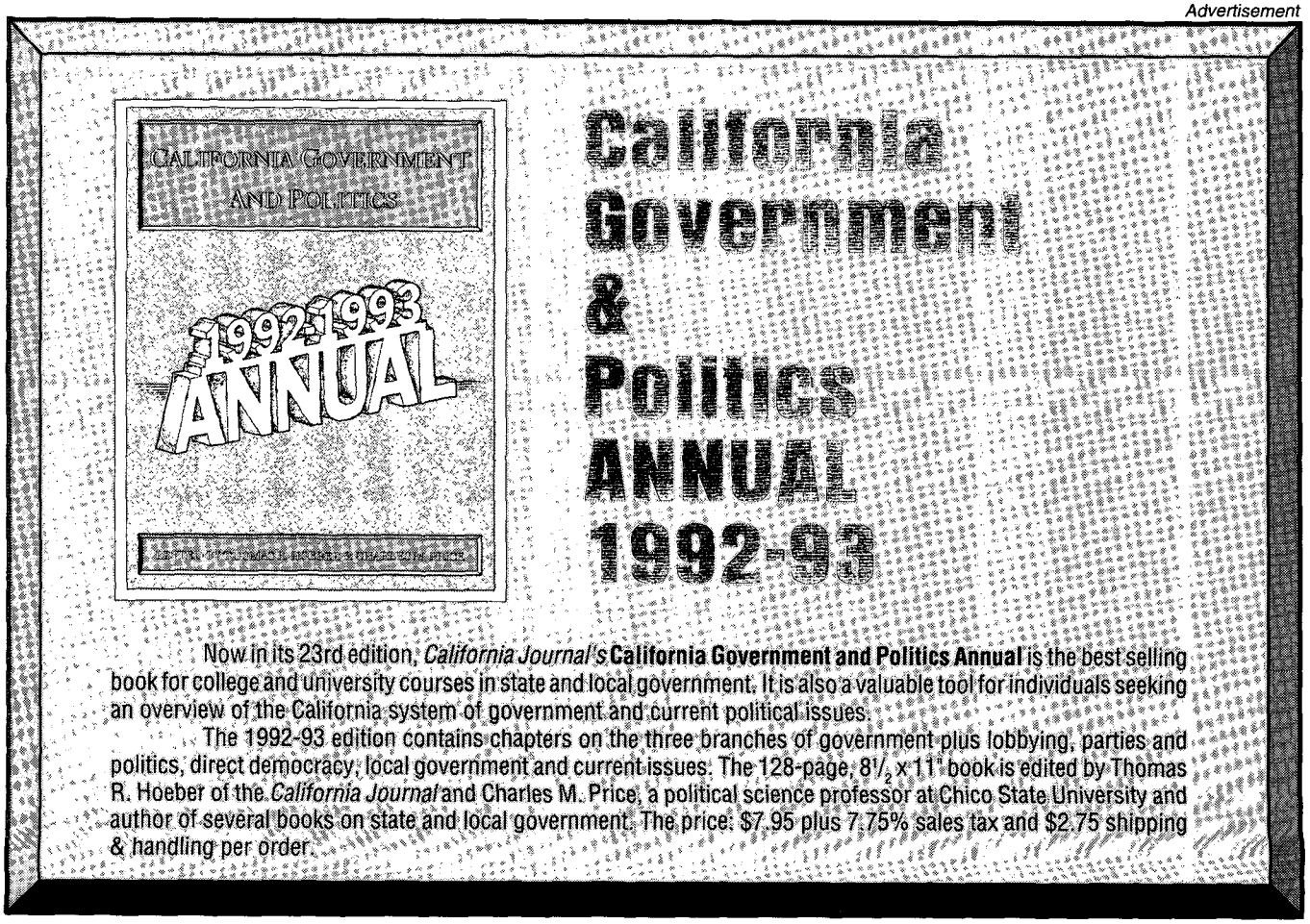

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Richard Riordan
Lawyer/Businessman/Investor

True to his status as a businessman, Richard Riordan, a multi-millionaire lawyer and investor, vowed he would cut more than $775 million out of the city's budget. At the same time, Riordan promised to hire 3000 additional police officers in the next four years. He takes a libertarian kind of approach to saving money. For instance, he would privatize citywide trash collection for a savings of $40 million a year; lease LAX airport to a private company for another $700 million annually; transfer Community Redevelopment Agency funds to the city treasury to gain $25 million; merge Public Works with the Bureau of Engineering to save $6 million a year; and reduce spending by the mayor's office and the city council by $4.4 million. Some observers think Riordan's savings plan would meet considerable resistance from unions and city council members.

While Riordan is exceedingly well-known among the most powerful business leaders in Los Angeles and by everyone in political life, his name recognition among rank-and-file voters sits at 51 percent, according to the *Times*. More discouraging, only 4 percent of voters listed him as their first choice. A civic activist who has served on several city commisions, Riordan describes himself as a businessman who wants the city to be run like a business, but a "business with a heart."

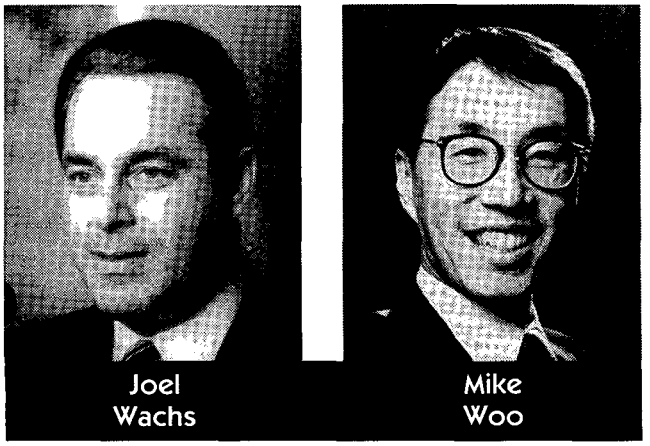
J. Stanley Sanders

J. Stanley Sanders
Attorney

Sanders, 50, slipped into the race just under the wire, and his entry knocks a few props from under City Councilman Nate Holden's African-American support. Sanders, however, is little known. The *Times* pegs his name recognition at an anemic 14 percent, with only 2 percent inclined to vote for him — compared with 32 percent for Woo. Nor has Sanders amassed much money. To offset these problems, he's taken to touring the city on foot, hoping to gain publicity if not cash. Not that long odds have daunted Sanders in the past. He grew up in Watts but eventually earned a law degree from Yale and was named a Rhodes Scholar. As an undergraduate at Whittier College, Sanders earned All American honors in football. After returning to Los Angeles, he set up his own law practice, which focuses on corporate law. Sanders has never run for office before, although Mayor Bradley named him to several city commissions. He now serves as head of the Recreation and Parks Commission.

Joel Wachs
City Councilman

Joel Wachs received some good news from the *Times* poll — he was third in name recognition (71 percent). Not only that, the 21 percent inclined to vote for him and 8 percent that listed him as their first choice put him in


Joel Wachs

Mike Woo

second place in both categories. But the veteran city councilman still trailed front runner Mike Woo, and the campaigns of other prominent contenders — like Richard Katz — had yet to kick into high gear.

Wachs' accomplishments after years on the city council have earned him the loyalty of broad numbers of constituents. For example, he wrote the law that prevents landlords from imposing "exorbitant rent increases" and carrying out unjustified evictions, earning him the gratitude of 1.5 million Angeleno renters. He also claims to have written the nation's first law banning discrimination against AIDS victims. He led the fight to prohibit aerial spraying of malathion and opposed the awarding of a contract to manufacture Green Line rail cars to Japan's Sumitomo Corporation. He wanted the contract given to a U.S. firm that would create jobs in Los Angeles. His support among African-Americans was shaken, however, following last spring's riots when he blamed Mayor Bradley for the extent of the trouble. He also defended Chief Gates in the feuding that followed.

Mike Woo
City Councilman

It's fat city for Mike Woo these days. Not only has he amassed a huge million-dollar war chest, but the *Times* poll showed that he leads the other major contenders in the hearts of voters as well. Although 42 percent of city voters still are undecided, Woo led his opponents in the poll across the board. His name recognition (89 percent) was the highest, as was the 32 percent of voters inclined to vote for him. More convincingly at this point, 20 percent listed Woo as their first choice; no other candidate accumulated more than 8 percent.

Woo is determined to wage a well-financed, broadly supported campaign, a determination evidenced by an almost year-long drive to raise money and rally diverse support. Among those who have endorsed Woo are Democratic Assemblyman Richard Polanco, a leading force in Latino politics throughout the city. Some Blacks, too, have praised Woo, who was one of the first to criticize Chief Gates following last year's riots.

Saying he is "the only trained urban planner on the city council," Woo has moved in several ways to promote economic development in various communities, including Hollywood, while restricting overdevelopment there and in parts of San Fernando Valley.

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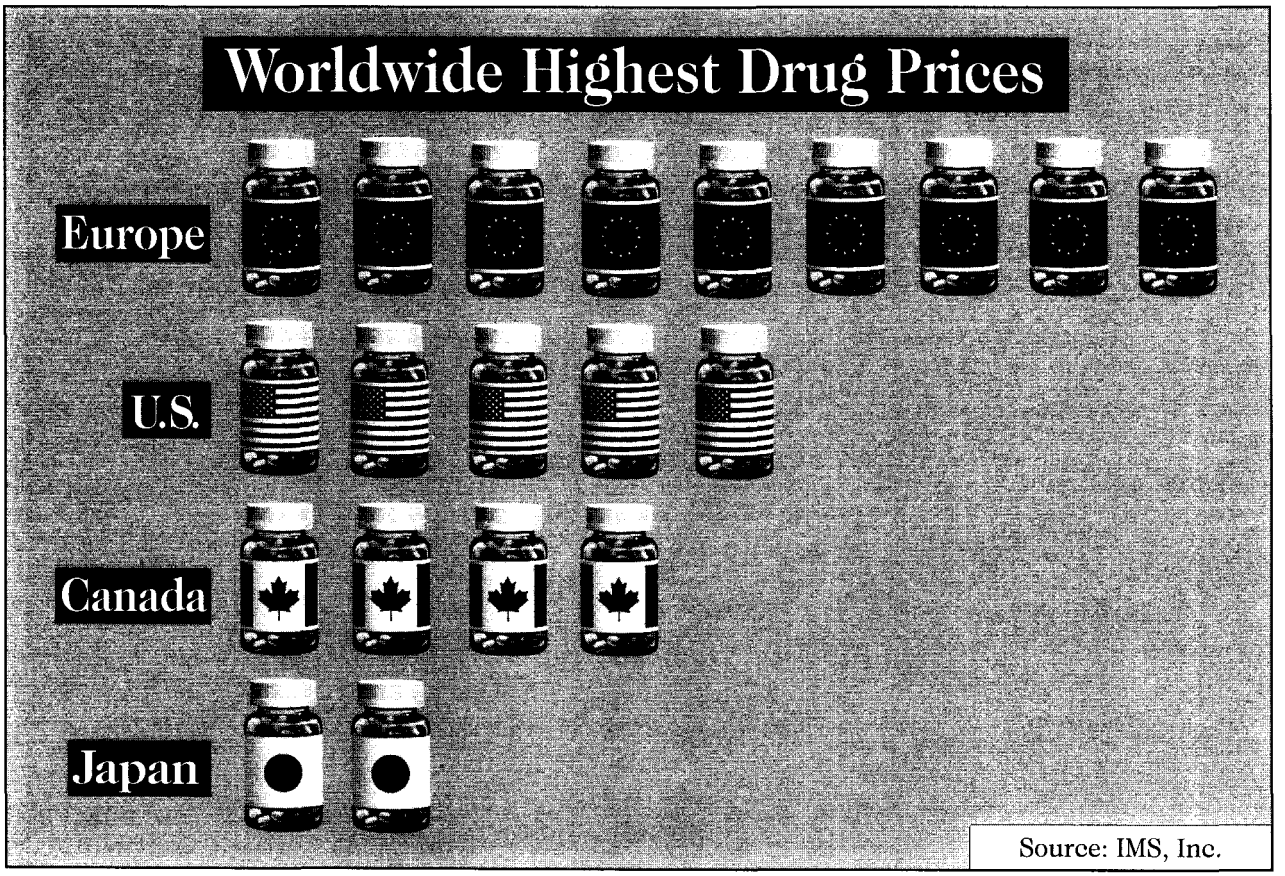
A Report On Pharmaceuticals

15 Of The World's 20 Leading Prescription Drugs Cost More Outside The U.S.



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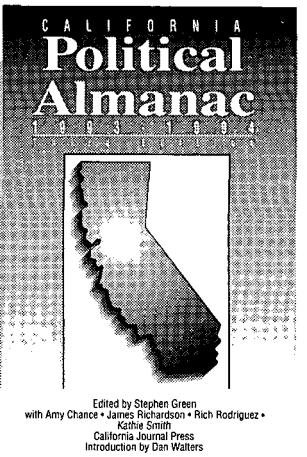

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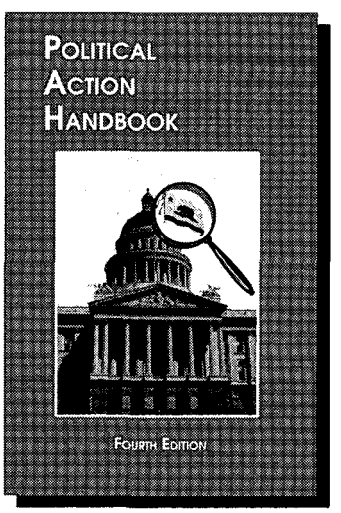

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THE GREENING OF DAN LUNGREN

illustration by Mike Tofanelli

Is his new environmental concern sincere, or is it a ploy to neutralize some of his political foes?

By Steve Scott

It was a scene that's become very familiar in California since the 1986 passage of the state's anti-toxics law, Proposition 65. As reporters scribbled notes and industry representatives gnashed their teeth, a State Capitol news conference heralded the settlement of a multi-million dollar lawsuit — this one concerning lead content in china plates. In addition to a record financial settlement, 10 manufacturers of china reluctantly agreed to put a glaring yellow warning sticker on all the chi-chi dinner plates they make with too much lead in them. At the podium announcing the record settlement were Attorney General Dan Lungren, David Roe, chief counsel for the Environmental Defense Fund, and ...

Wait a minute....Dan Lungren?

The conservative, pro-business Dan Lungren? The one who argued for development of offshore oil drilling throughout his decade in Congress? The Dan Lungren who founded a cadre of GOP conservatives in Congress whose goal was to fight the "liberal welfare state?" Dan Lungren — a *tree hugger?*

Well, yes and no. Since taking office in 1991 Lungren has surprised many environmental activists by using the 1986 law he opposed to launch a high-profile attack on lead content in household products. The cases involved products ranging from crystal decanters to the wrapping around wine bottle corks and, in some cases, took on the manufacturing practices of entire industries.

Lungren's apparent aggressiveness in enforcing Proposition 65 has earned him

Steve Scott is a radio commentator and editor of State Capitols Report.

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praise from some of the heavy hitters of the environmental movement. "The attorney general's record, to date that I am aware of, is pretty good," says Al Meyerhoff of the Natural Resources Defense Council, which is working with Lungren on a case involving lead in brass faucets. The Environmental Defense Fund's David Roe — Lungren's partner at the china news conference — has nothing but praise for the attorney general's handling of the case. "For both parties, there was a leap of faith in this process, and I think the results have been very positive."

Others in the environmental movement, however, are far less sanguine about the newly-greened attorney general. They suggest Lungren's high profile lead cases are cover for a dramatic disengagement from environmental enforcement and activism characteristic of many of his predecessors.

It would have been hard to imagine even lukewarm environmental testimonials for Congressman Dan Lungren. Although he was capable of a surprise now and again, Lungren's voting record in the House of Representatives largely reflected the views of the Reagan White House. His environmental score from the League of Conservation Voters never rose above 42 out of 100, and in the 1987-88 session — his last in Congress — Lungren scored an anemic 19. He was one of only 26 members of the House to vote to sustain President Ronald Reagan's veto of the Federal Clean Water Act.

Lungren's diffidence about environmental matters was also reflected in the way he ran his campaign for attorney general in 1990. Outside of broad claims that he would enforce all laws, Lungren all but ignored the attorney general's role in environmental protection, focusing instead on more traditional "tough on crime" rhetoric. "I'm not running for attorney general because of the civil side," said Lungren during the campaign. Since nearly all enforcement actions under Proposition 65 originate as civil cases, Lungren's narrow victory over Democrat Arlo Smith was a nightmare come true for many in the green movement. "We just thought ...'oh, it's just the death knell for environmental enforcement in California,'" said the League of Conservation Voters' Tracy Grubbs.

Not long after Lungren took office in 1991, the attorney general's office began settling lawsuits initiated by his predecessor, the more activist John Van de

Kamp — most notably a series of five lawsuits concerning the industrial release of the toxic gas ethylene oxide. The total financial settlement of roughly $2.5 million was accompanied by warning provisions and, in some cases, orders to install scrubbers in plants to reduce or eliminate release of ethylene oxide into the atmosphere.

It was also during Lungren's first year that the attorney general's office got involved in lead cases. The state became party to a lawsuit — filed initially under Proposition 65's citizen enforcement provisions — against the manufacturers of leaded crystal wine decanters, including the exclusive Baccarat crystal. Subsequent lawsuits targeted other products and often involved such major manufacturers as Wedgewood and Sons (china plates); American Standard (brass faucets) and Gallo (leaded foil caps used on wine bottles). All of the suits, except the one involving brass faucets, were settled with companies agreeing either to switch to lead-free alternatives, change their manufacturing practices, or provide clearer warning labels. The suit against Wedgewood *et al* also produced a record $2.3 million financial settlement — largest in the seven-year history of Proposition 65.

Much of the actual legal work in these cases was done by line attorneys with the public-law division, many of them holdovers from the Van de Kamp days. Still, Lungren considers the settlements represented a departure because the businesses involved were willing, or at least grudging, participants in the solution. "I just wanted to disprove the notion that you had to be either pro-business or pro-environment," said Lungren. "If we can get the industry involved to stop a practice that has deleterious health effects ... that, to me, achieves far more than the size of a particular fine or headlines about how bad they are."

Many both in and out of the environmental movement, however, believe that headlines are exactly what Lungren is after in his war on lead. These critics suggest that Lungren has dramatically scaled back his office's involvement in other, more discretionary areas of environmental enforcement — areas, says Van de Kamp, "where your own philosophy can make a difference." Specifically, enforcement of local hazardous waste laws and industrial toxics laws has diminished considerably, as has the role of the attorney general in enforcing the California Environmental Quality Act. "There was an effort under the Van de Kamp regime," said Ted Smith with the Silicon Valley Toxics Campaign, "to bring in people who understood the issues and had the support to engage in investigations and prosecutions of major polluters. I think on that front there's been a major pulling back."

One casualty of this retrenchment has been the California Coastal Commission. Overburdened from years of budget cutting in the 1980s under Governor George Deukmejian, the commission has found itself saddled with a cap on the number of hours in legal time it can receive from the attorney general. Moreover, the office abruptly withdrew from its representation of the commission in a battle over development of a Marin County gated beach community known as Seadrift. Coastal Commission executive director Peter Douglas says Lungren's actions are philosophically motivated. "Clearly, the public interest in terms of regulation of land use strikes me as taking a back seat to private property rights," says Douglas.

While he concedes the state budget crunch has taken its toll, Lungren says public-law sectors haven't suffered as much as the criminal division. As for his

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selectivity in other environmental enforcement actions, Lungren makes no apologies. "We could try to be the big gorilla jumping in everywhere," he says, "but I'm not sure you solve anything that way. I'm not going to willy-nilly go in and say, 'You guys aren't doing a good enough job, you need me in there, too.'"

In those cases where he has chosen to become involved, Lungren also has faced his share of criticism, even from some of his new-found environmental allies. One such case is a "friend of the court" brief filed in the U.S. Supreme Court in *Mortier v. Wisconsin Public Intervener.* The case questioned whether the federal government had the right to pre-empt local governments' pesticide laws. A brief drafted in opposition to federal pre-emption was tossed out, and the attorney general instead opined in favor of the feds. The about-face annoyed Al Meyerhoff of the Natural Resources Defense Council. "The line attorneys have a clear role," said Meyerhoff. "That's one of the protections we have against, shall we say, non-legal concerns being factored in. I'm not sure that has always been honored in this administration."

Lungren says his office filed the brief after a request was made by the State Department of Food and Agriculture, and was based on the law's legislative history. "We said that local jurisdictions could regulate if that authority had been delegated to them by the state, so we were basically protecting the concept of states rights." He also insists that the opinion was consistent with a similar brief filed in the mid-'80s by Van de Kamp. "It was not an unusual departure from what the office had done before," said Lungren.

Lungren's reviews have been much more favorable when the topic turns to Proposition 65. "Just having the attorney general's office with you in litigation is always very helpful," says Meyerhoff, "because it says, 'This isn't just some crazed tree-hugger making the case, its the State of California.'"

The EDF's Roe has no doubts about Lungren's sincerity in pushing the lead cases. "We presented an opportunity for Lungren to learn about a very serious public health concern, and I think now he's very serious about it."

While some environmentalists express nostalgia for the activism of John Van de Kamp, Van de Kamp himself agrees with Lungren's stated goal of trying to work with the offending industry to formulate a policy that works. "We always tried to work it out with the parties beforehand," said Van de Kamp. "I don't have any reason to believe that he's changed our standards very much."

Even Lungren's harshest critics concede that the lead is an important public-health threat and that Lungren's persistence has helped raise the public's consciousness about the issue. But aspects of his Proposition 65 record still trouble some. Several of the private plaintiffs in 1991's *People v. Gallo, et al* (leaded foil caps on wine bottles) accused Lungren of not "diligently prosecuting" the case, despite a settlement which called for the parties to stop using the lead foil caps. State Senator Tom Hayden, the Santa Monica Democrat who co-authored Proposition 65, says Lungren's position in *Mortier* makes him suspicious of the recent activity. "The individual cases do some good by sending a message," said Hayden. "But he's still part of a process that's not only failed to carry out Proposition 65 promptly, but would like to

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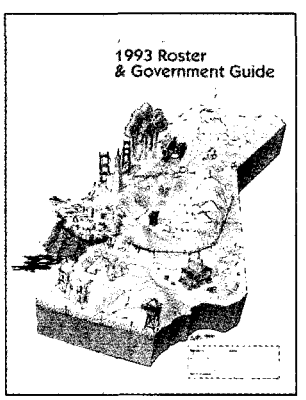

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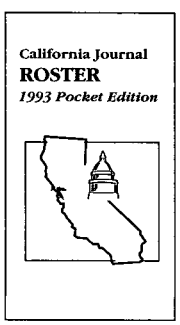

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pre-empt it at the federal level."

Lungren says he is not out to subvert the initiative nor is he pushing for the feds to pre-empt it. Rather, he maintains his goal is to make a difficult law work "without hammering a business [and] stretching them to the last possible inch that we could." Lungren believes his emphasis on out-of-court settlements in environmental cases has checked warning label requirements that he believes are excessive. "Within my requirements to enforce Proposition 65, I think we have to be open to those kinds of solutions that aren't unnecessarily detrimental. That doesn't mean you let people off the hook, but what it does mean is that you understand that you might be able to reach accommodations that serve the best interests of the people."

While there is disagreement on the quality of Lungren's environmental enforcement, all agree on at least one accomplishment from his recent efforts. They've gotten him a lot of favorable state and national media coverage—very important for a politician still considered to be a rising star in the Republican Party. Appearing in public with the likes of David Roe and Al Meyerhoff serves to shore up Lungren's environmental credentials and diminishes their impact as potential critics in future campaigns. Ted Smith, with the Silicon Valley Toxics Campaign, says this is Lungren's real environmental agenda. "If he can get some decent press and at the same time not alienate his [business] allies, I would think that would be fine with him."

One Van de Kamp alumnus criticizes the willingness on the part of some environmental groups to play along. "Lungren has quite artfully picked and chosen his cases so that he can appear before the cameras in a kind of '*Ich bein ein* environmentalist' role. Some environmentalists have either played into that or allowed themselves to be used."

If the environmentalists working with Lungren do feel used, they're not making a big deal about it. "I don't think anybody in that office would be doing their job if they were oblivious to the political implications," says Roe. "But the outcome has been that they've played it very straight."

Meyerhoff agrees. "I'm unaware of any important Prop 65 cases that are not being brought because of political considerations, nor do I think the cases that are being brought are being driven solely by political considerations."

For his part, Lungren insists he's tried to resist extremes on both sides in his environmental enforcement efforts and is proud of the results he has gotten — in Proposition 65 and elsewhere. However, his conservative, business-oriented philosophy hasn't disappeared by a long shot. "I still have a deep commitment to the species *homo sapien*, and believe that sometimes we forget the impact of some of the decisions we make on the ability of people to have jobs and be a part of the economy ... so I try to keep that in mind."

Ultimately, it is this philosophy that has kept many environmentalists from being anything but suspicious of the "greening" of Dan Lungren. "He came into office with a promise both expressed and implied that he was going to get government off the backs of industry," says Ted Smith. "What he meant by that, I believe, is that he was going to cut back on toxics enforcement, and I believe he's carrying through on that."

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EARTHQUAKES

photograph by Rich Pedroncelli

When it comes to predicting temblors, it's hard-rock science vs. everyone else

By Michael Browne

Earthquakes are part of California's oversoul, but people who publicly predict earthquakes have the credibility of tabloid psychics. That's why scientists researching earthquake prediction tend to be on the quiet side.

No earth scientist who values his or her professional reputation is going to predict an earthquake without approval of a panel of government and university earthquake experts. There are two of them: the California and the National Earthquake Prediction and Evaluation Council, or CEPEC and NEPEC.

Both councils are composed of hard-rock scientists — such as geologists and seismologists — who are professionally intolerant of prediction methodology not based on earth science, and who are not on record as reading supermarket tabloids. Predictions using animal behavior, the ideas of non-geologic scientists, or even renegade research by one of their own, are viewed by the councils as having the scientific value of harmonic convergence at the summit of Mt. Shasta.

CEPEC was established in 1975 by Governor Jerry Brown to advise the director of the Governor's Office of Emergency Services (OES) about scientifically credible earthquake predictions. OES manages disaster preparedness and relief in California. NEPEC was founded in 1980 to tell the director of the U.S. Geological Survey (USGS) about predicted earthquakes which could have a national effect.

For an earthquake prediction to be credible, a prediction must cite time, place and magnitude and "have a certain amount of consensus when the data is interpreted by peer scientists," says Jim Davis, CEPEC chairman, NEPEC member and head of California's Division of Mines and Geology.

Four forecasts currently meet CEPEC and NEPEC criteria, and each was made by an organization represented on the panels:

- a 67-percent probability of a magnitude 7 earthquake in the San Francisco Bay Area over the next 30 years;
- a 60-percent probability of a major earthquake on the southern San Andreas fault near Los Angeles over the next 30 years;
- a 50-percent probability of another earthquake on the San Jacinto fault near Los Angeles over the next 30 years; and
- a 90-percent probability of a 5.5 to 7 Richter magnitude temblor on the San Andreas fault near Parkfield, in eastern Monterey County, within 30 years. The USGS had predicted in 1985 that the Parkfield quake would occur by January 1, 1993, using a scientific method that allowed for a 50-percent error rate. The method was not known to the media, but the prediction was, and the no-show earthquake was a minor embarrassment for seismic science on New Year's Day.

Still, five earthquakes in the Richter magnitude 6 range have struck Parkfield at about 22-year intervals between 1881 and 1966. Researchers look for patterns, and the pattern at Parkfield justified spending enough money to make eastern Monterey County the world's garden spot for prediction research. And it is.

Sacramento writer Michael Browne spent 11 years with the Governor's Office of Emergency Services.

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Since the 1985 prediction, Parkfield has bloomed with seismic flora which record fault movement, underground strain, ground tilting, changes in the electromagnetic field, release of subterranean gases, ultrasonic underground noise, and even the rise and fall of water in wells — all phenomena that research has shown to be geophysical precursors to earthquakes.

Small earthquakes also are precursors to bigger earthquakes. In October 1992, a 4.7 Richter magnitude earthquake occurred at Parkfield, and USGS scientists — who thought it could be a foreshock to one of the larger, cyclical Parkfield earthquakes — issued an earthquake alert to local governments and the news media. USGS stated a 37-percent probability that a magnitude 6 would strike by midnight, October 22, 1992. The predicted earthquake did not occur, but a series of small earthquakes struck on October 25th, with a seismic disregard for government public relations.

But there is a larger question about the Parkfield project: Can the geologic lessons learned be applied to San Francisco, Los Angeles, Cairo or Tokyo?

Maybe, say experts. Then again, they add, maybe not. According to CEPEC chairman Jim Davis, the project goal is to "determine whether or not short-term prediction is possible." And Dr. William Bakun, formerly the chief USGS scientist at Parkfield and now head of the Bay Area Federal Earthquake Preparedness Project, said that lessons learned at Parkfield will not be conclusive. "Parkfield by itself will neither prove nor disprove the feasibility of reliable earthquake predictions or short-term warnings," Bakun said.

After all, Parkfield is a research project, and research usually moves at the pace of the continental drift. "Earthquakes occur in geologic time over millions of years," says Dr. Lucy Jones of the USGS, "and we're trying to get research done in the 30 years of a career time-span."

CEPEC's Davis adds: "There is a significant body of workers who wonder seriously if we will ever be able to make routine, rigorous earthquake predictions. The optimism comes and goes with new developments."

The Parkfield project evolved during a flurry of optimism during the mid-1970s. That optimism springs from a 1975 prediction made by Chinese scientists before a 7.3 magnitude earthquake struck the city of Haicheng. The Beijing government ordered the city evacuated four hours before the earthquake struck. Dr. Frank Press of MIT, now chairman of the National Academcy of Sciences, called the Haicheng prediction "one of the major events in the history of geophysics." Press was President Jimmy Carter's science adviser at the time, and he helped persuade Congress to pass the National Earthquake Hazard Reduction Act, which included money for the Parkfield experiment.

Parkfield is an exclusively geophysical project, but the Haicheng prediction methodology included sightings of unusual behavior in animals reported by volunteers before the earthquake struck. A paper from the Beijing Geological Bureau cites observations of "hibernating snakes leaving burrows, panicked geese, and pigs attempting to climb trees," according to Helmet Tributsch, a professor of physical chem-

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istry in Berlin and author of the 1982 book, "When Snakes Awake." His research includes records of unusual animal behavior prior to 78 major earthquakes dating back to 373 B.C.

But in 1976, a magnitude 8 earthquake struck the Chinese city of Tangshan without any geologic warning and killed 240,000 people. Nature did provide warnings in the form of changing water levels in wells and over 2000 sightings of strange behavior in animals prior to the temblor, according to Tributsch. So why didn't the Beijing scientists recommend evacuation at Tangshan?

Because the Tangshan earthquake was not preceded by a series of foreshocks. The Haicheng earthquake was, and geoscientists know as little about animal behavior as veterinarians know about earthquakes. To the earth scientists at Beijing, reports of unusual animal behavior were a factor, but not a determinant, in issuing evacuation warnings at Haicheng and before another predicted earthquake which struck Songpan in 1976, according to Lucy Jones of the USGS.

Jones said the determinants for issuing the warnings were seismic data which showed that foreshocks were occurring near Naicheng and Songpan. Hence, the official warnings. No small earthquakes occurred before the Tangshan temblor, even if animals were going nuts. Hence, no official warning.

Jones did say that some Beijing scientists went to Tangshan just prior to the earthquake to investigate reports of rising well water thought to be an earthquake precursor. But they were killed in the earthquake before they could investigate anything. Jones herself was trying to correlate animal behavior, well-water levels and foreshocks during three research trips to China between 1979 and 1983. But she said the animal behavior data was scientifically suspect, even fraudulent in one case, and too weak for a good hypothesis.

"There is probably something to it," Jones said. "There are times when animals do react, but that's a far cry from saying that animal anomalies might be something useful in earthquake prediction. Who can really say what the animals are reacting to?"

The USGS did fund three studies between 1974 and 1980 to research animal behavior as an earthquake predictor. Observations of penned animals were made at UCLA and at UC Davis, and by 1700 Bay Area volunteers who were supposed to report unusual behavior in their pets to SRI International in Menlo Park. The results of all three studies were inconclusive, according to Dr. Jack Everden, the USGS research physicist who oversaw the project.

"[The volunteers] were not disciplined observers," Everden said. "The idea was to systematically report data *before* an earthquake in order to have rigorous scientific value. Most of them waited until after an earthquake occurred to call and say their animals misbehaved."

Post facto reporting made the data anecdotal at best and suspect at worst. USGS dropped the animal program in 1980. Money was drying up for anything but the most geologically promising research, and Everden said that a lot of seismologists had disapproved of the project from its beginning.

"Many scientists said it was 'unscientific.' My position is that scientists learn through experimentation. They test hypotheses which do not necessarily have a physical basis," Everden said. Said Jim Davis of CEPEC: "It didn't seem to be a body of systematic evidence that animal behavior was consistently related to earthquakes as a precursor."

Animals aside, two new prediction hypotheses have been proposed to the hard-rock scientists. One is that ultra-low frequency radio waves transmitted by the earth's electromagnetic fields are earthquake precursors, and USGS scientists are interested. The other is that underground water compressed by seismic pressure before an earthquake causes electrical releases into the atmosphere as ground-to-air lightning, or "earthquake lights," and USGS scientists are not interested at all. Worse, the earthquake light phenomenon is being proposed by one of their own — John Derr, a seismologist working for the USGS in New Mexico — who says his earthquake light research is incidental to his other work for USGS. In other words, he's a renegade researcher.

Derr has been tracking earthquake light research dating back to three New Mexico earthquakes in 1952, and up to the Cape Mendocino earthquake in California on April 25, 1992, when lights in the skies over Humboldt and Trinity counties were reported to county authorities prior to the earthquake. Derr said such lights often are thought by untrained observers to be exploding electrical transformers, ball lightning or even UFOs. Part of Derr's research is correlating past UFO sightings with known earthquakes.

"My work has been received with skepticism, which is appropriate, but

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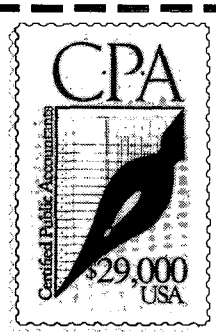

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there are many people who simply don't want to look at the data. Many scientists are much more interested in their own specialties," Derr said.

The USGS is more receptive to a new idea that impending earthquakes may generate ultra-low frequency, or ULF, radio signals. This is a notion proposed by Anthony Fraser-Smith, a professor at Stanford University's Department of Electrical Engineering. Fraser-Smith was working on a ULF project for the Navy near Loma Prieta peak when his equipment began registering low-frequency signals 12 days before the 1989 earthquake, signals which peaked three hours before the temblor struck.

Fraser-Smith's credentials and Stanford connection interested USGS. After Loma Prieta, Fraser-Smith was invited by USGS to install a low-frequency radio receiver at Parkfield and participate in the experiment, but his presence as an electrical engineer on a geophysical project has not been entirely welcome.

"I've run across some outspoken critics of non-seismic research at the university level, but not in USGS," Fraser-Smith said. "I get dumped on even having a distinguished record from a top university, so I can imagine how others must feel."

By "others," Fraser-Smith meant complete outsiders like an untrained radio buff named Jack Coles of San Jose, who claims to have used low-frequency radio to successfully predict 12 out of 17 earthquakes since 1979, including the Cape Mendocino quake last year. (That earthquake was beyond the 200-kilometer range of Fraser-Smith's Parkfield receiver.)

Coles has yard-sale equipment, poor records and not a scrap of scientific education to redeem him in the eyes of the USGS. But in August 1991, he phoned a prediction to Pat Jorgenson, the USGS public-affairs officer in Menlo Park.

"On August 17 or 18, [1991] Jack Coles called predicting a large earthquake between magnitude 6 and 7 offshore from Eureka in the next 24 hours," Jorgenson said. "As I was talking to Jack, I got a call on another line about a 6.1 earthquake which had just occurred up near Eureka."

Several USGS scientists and Anthony Fraser-Smith visited Coles at his San Jose home to see his equipment and have a chat. Afterward, about the kindest assessment they made of Coles' forecasting was that "his methods are not very systematic," said Fraser-Smith, and they came away more skeptical than ever.

Coles then announced an earthquake forecast to the media for a Bay Area quake in September 1991 which didn't happen, and he got huffy when some USGS people took him to task on local television. "I haven't heard anything from Mr. Coles since," said Jorgenson.

Others have, however. Between April 22 and 23, 1991, Coles contacted Amelia Hollingsworth, the public-affairs and disaster-preparedness coordinator for the Burlingame Fire Department; Craig Travis, an administratrive aide in the San Jose office of Assemblyman Charles Quackenbush, whose office keeps track of Coles' predictions; and Greg Mastrellangelo, a former systems analyst with a Palo Alto electronics firm who persuaded his firm to donate some obsolete equipment to Coles. Coles told all of them that a Richter magnitude 7 earthquake was due within 72 hours "up north," or "in the ocean between Washington and Alaska," or "offshore near the California-Oregon border."

Three days later, the 6.9 Cape Mendocino earthquake struck.

Coles' friends and followers plan to keep tracking his record. Some are even trying to renew USGS interest in Coles' work.

But even if the freemasons of government and university earthquake research were inclined to explore non-geologic prediction methods, which they are not, the recession gives them the excuse that money only is available for existing research projects despite seismic hints that a really big earthquake may be on its way. The number of small, unfelt earthquakes has sharply increased in Southern California since the 7.5 magnitude Lander earthquake near Big Bear Lake last June. Sixty thousand small earthquakes have occurred since then, up from 11,000 in 1991, according to Lucy Jones, who added that the annual probability for a major earthquake in Southern California over the next few years has jumped from 2 to 12 percent.

When the long-expected "Big One" does strike in a metropolitan area, state disaster officials say the public will be on its own for the first 72 hours. As for long-term recovery, the state does not have a mandatory earthquake insurance program. Subscribers paid $200 million into the California Earthquake Recovery Fund in 1992, which in turn paid up to $15,000 each to insured victims of the Cape Mendocino and Lander earthquakes, but the law enabling the fund was repealed as of January 1, 1993.

Money not spent on earthquake relief and administrative costs will be reimbursed to subscribers, according to Bill Gage, the consultant to the Senate Subcommittee on Earthquake Insurance. Gage said the insurance program was repealed because the state would be unable to pay for residential damage resulting from a large earthquake in an urban area.

"We didn't want to promise people something they couldn't receive," Gage said, but added that the repeal legislation called for an advisory committee of insurers and state and local government officials to recommend alternatives to grants and loans to earthquake victims. The advisory committee report is due before the Legislature in July.

Meanwhile, the earth abides.

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By Richard Krolak

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Fee increases, cramped classrooms, big perks, an elitist image

illustration by Pierre Babasin

Under fire, UC tries a smaller budget on for size

By Ian Forsyth and Danielle Starkey

Michael Newland is a senior at the University of California at Davis. Financially independent, he works two jobs in order to pay tuition and other expenses. But like other students, Newland is feeling the crunch of fee increases.

Since his transfer to UC Davis in 1990, annual tuition has risen from $1820 to $3044. He has had to take several quarters off in order to save up enough for the rising costs of fees.

"I've been working 65 to 70 hours a week for the past nine months just to try to save up enough money for school," Newland says, and it's unlikely things will get any easier for him or for other students in the UC system. Fee hikes, budget cutbacks and severance-package scandals have made 1992, as for the British Royal Family, an *Annus Horribilis* for the University of California.

The hurdles UC faced (and continues to face) are basically two-fold. First is the financial crisis: With the state in poor economic shape, UC has been dealt another cut in the governor's proposed budget for 1993-94, following a cut of nearly 11 percent last year. Second is an image crisis: UC suffers from an image of elitism in its upper ranks and insensitivity to the needs of its students and the wishes of the public and the Legislature.

In March 1992, during the hand-wringing over proposed budget cuts, press reports revealed that the University of California Regents had secretly decided to raise the annual pension of then-President David Gardner from $104,000 to $126,000 and award him $937,000 in deferred payments. Press reports also revealed

Ian Forsyth is a California Journal *intern. Danielle Starkey is associate editor of the* Journal.

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that for years, Gardner and other UC executives had been using UC funds for such extravagances as symphony contributions, tuxedos, first-class travel, gardeners, maids, pool maintenance, and cable television installation, among other things. This problem was compounded by the fact that UC was perceived as less-than-open when it came to making this information public.

Sacramento Bee reporter Lisa Lapin, who has covered higher education in California for six years, said UC's handling of the information was, "Terrible. Even though this was all public information, they didn't make it public."

Then last autumn, UC received two scathing reports about its executive expenditures and compensations, one from the auditor general and another from independent auditor Alan Post. Both reports concluded that UC had been excessive and out of touch with the public trust in both the structure of the benefits and in the manner in which they were created. Post's report was a particular slap in the face, since UC hired him in the first place.

UC also took a hit during deliberations on the 1992-93 state budget. In the end, the university had been allocated $1.9 billion — a drop of $225 million, or 4.2 percent, from the year before. There was no doubt that a cut was on the horizon, given the nature of the economy. But there fermented among lawmakers a general belief that UC — its executives and the regents had adopted a kind of corporate mentality, making it vulnerable to unsympathetic cuts.

Officials at UC said previous budget cutbacks had prompted the 24 percent rise in student fees for the 1992-93 school year. Fees for next autumn are expected to rise another $605, a source of income that should generate $85 million. UC claims that $25 million of that will go to financial aid, with the rest going to offset the budget cutback.

Despite the public-relations fallout that has occurred because of the fee hikes, Ronald Kolb, the director of news and public affairs for the UC office of the president, claims that students are not alone in sharing the budget burden.

"The budget problems we're facing are being put on the backs of the students, but they're also being put on the backs of a lot of people in this institution." Students are suffering because of cuts in programs such as library books and instructional equipment. But others also are affected due to workforce cuts, which are expected to save $150 million. In November 1992, UC outlined this cut, stating that about 2000 administrative and non-instruction jobs would be cut this year and another 1500 instruction-related positions would be phased out over the next several years.

One form of cutback is a voluntary early retirement program that has been in place for over two years. The drop in faculty is noticeable at UC Davis where, starting in the winter quarter of '93, there will be 67 fewer professors teaching classes than during the fall quarter of the year before.

However, the student fee hikes have become a divining rod for public dismay with UC. One such voice is Chris Cabaldon, chief consultant for the Assembly Higher Education Committee."If you look at the cuts in state funding and inflation, that doesn't come anywhere near to explaining why fees have doubled in the last three years — not even close. We certainly haven't cut their budget in half,." he said.

The debate over the fee hikes and state funding has drawn clear battle lines. On the one hand, the university argues that only 20 to 30 percent of its entire budget comes from the state general fund, as opposed to 80 percent for the CSU system. This, say university proponents, gives the Legislature less justification for making any structural demands. On the other hand, this 20 to 30 percent is earmarked for what most believe is the core enterprise of the UC: the educating of undergraduate students. (Some of UC's budget comes from the U.S. departments of Defense and Energy, as well as from revenues from its five medical centers. That money is usually recycled back into its laboratories — such as the Lawrence Livermore labs — and its hospitals.)

UC also claims that its resident undergraduate fees are currently about $800 a year below the average fees charged by four public universities (Michigan, Illinois, Virginia, and State University of New York, Buffalo) used for salary comparisons by UC, and ninth among the 23 public universities nationwide used for fee comparison.

Yet according to a study by the California Postsecondary Education Commission (CPEC), which factored in costs other than tuition such as fees and living expenses, the University of California was the second most expensive in the country next to Penn State.

Kolb believes further cuts to UC could impede the system's ability to do its job as described in the Master Plan. "We hope the state doesn't have to change the Master Plan because there's not enough money, but our cuts have been very dramatic. We've been short by our estimated $700 million over the last three years. That's not chump change, that's real money."

Cabaldon doesn't agree, "I think even now there's a belief in the UC that the only answer to their problem is to get more money, that they're perfect, that they're a lean and mean $8 billion enterprise and that they couldn't cut anymore without sacrificing quality, and that's just ludicrous," he says.

In coping with its financial woes, UC still may claim that it is fulfilling its duty of admitting California students from the top 12.5 percent of their high school class, as prescribed in the Master Plan of Higher Education. The 1992-93 UC undergraduate enrollment was approximately 154,000 students, the same level as 1991-92, and certain campuses such as Riverside, Irvine and San Diego may accommodate a greater number of students.

"If we're going to uphold those promises, then we're going to have to have another campus, and that's why we're still planning a 10th campus at this time," said Kolb, who added he believes that in the short run, UC can deliver on its admissions promises, but that it also needs to implement long-term solutions.

(UC's plan to build a campus somewhere in San Joaquin County was put on hold due to budget cutbacks. UC also plans to reduce the number of students transferring from California State University campuses and from private institutions.)

To help UC grapple with its financial problems, the legislative analyst named the factors contributing to rising costs at UC: enrollment growth, maintaining competitive salaries, price increases and instructional equipment replacement. The analyst also proposed several measures to help deal with these issues, which, like the solutions to deal with its image problem, were a

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matter of contention for UC.

One major proposal by the legislative analyst was to change the methodology by which faculty salaries are set. Currently, UC employs a method that shows its faculty salaries to be 6.7 percent below those of eight other institutions (Harvard, Yale, MIT, Stanford, the State University of New York at Buffalo, and the universities of Illinois, Michigan, and Virginia). The analyst, however, is pushing a method, also used by CSU, that shows UC salaries to be only 5 percent lower than the other universities. In November 1992 CPEC decided, against UC protests, to recommend to the Legislature the adoption of the analyst's method — a change the analyst believes can save $17 million annually.

A second proposal made by the analyst is to enact legislation that would establish a policy whereby UC would admit qualified freshmen but redirect a portion of them, on a voluntary basis, to enroll in specific community colleges approved by UC. The students would have a spot at a specific UC campus reserved for them when they transfer. This is expected to save approximately $25 million. Lawmakers agreed, passing AB 3575 last year. But the notion was vetoed by Governor Pete Wilson, who wrote, "The bill would require the state to pay for freshman volunteers attending the community colleges with funds in addition to those set aside for growth for regular and 'over-cap' full-time equivalent students."

The analyst also proposed increasing faculty teaching by one course per year for an additional savings of $7.5 million for 1992-93. Currently, UC requires professors to teach five courses per school year. These classes can be undergraduate, graduate, and teacher-directed research projects like independent study courses. This idea hits a nerve with UC, conjuring up the insoluble teaching vs. research debate.

Most undergraduate students would opt for more emphasis on teaching. Andrew Shaw, executive director of the University of California Students Association, leaves no doubt as to where he stands in this debate: "In a time when students are paying much more, we think that we should focus in on teaching and getting students educated and out into the workforce."

Although UC has already announced plans to make teaching performance a heavier factor in promotion consideration, Kolb believes that UC is stuck between a rock and a hard place. "Unlike the CSU system, the UC has a bi-cameral responsibility of teaching and research, and the university cannot abandon its research emphasis."

Many believe that the UC's prestige is due in part to its world-class research.

Others, such as Cabaldon, strongly disagree.

"The reason why the people of California support UC is because we educate students there," Cabaldon argues. "None of us want to slow down the quest to find a cure for AIDS, or find a new economic solution for California, but that's not what's going on in the research of UC. It's become a research factory where new ideas don't really flourish. The goal of research of the UC is no longer to produce ideas, but to produce research articles for journals nobody reads. It's impossible to believe that the few thousand UC faculty, each and every one of them, can push back the frontiers of knowledge four or five times per year."

Most undergraduates at UC, particularly at Berkeley or Los Angeles, have had some lectures in 500-student classes, and they believe that this situation can, to a certain extent, be alleviated by having teachers teach more classes.

"There's really not much use in sitting in an 800-student lecture with a Nobel Laureate," Cabaldon says. He also believes that there is some fat that can be trimmed from research. "You research smarter not research more."

Kolb believes that large undergraduate lectures are inherent in any large public, research institution.

But despite these proposals, adopted or not, there seems to exist the deeper issue of the image crisis that hangs over the UC. The public outcry over the severance package for UC executives prompted new UC President Jack Peltason to implement certain changes in executive compensation. Housing allowances have been terminated, deferred compensation has been shifted to regular annual salary, making it subject to higher taxes, spousal severance has been suspended. These along with many other cuts could save approximately $350,000 a year, according to UC.

In December 1992 Peltason announced several "strategic initiatives" in the areas of economic development, higher education financing and support, improved management, and academic quality.

According to UC, the university plans to create "an enhanced technology program through the formation of two corporations — one for profit, one non-profit — which will expedite the development, licensing and sale of UC patents and discoveries." Other initiatives consist of forums of business and

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education leaders meeting periodically to help grapple with issues of higher education going into the 21st Century.

Although a cautious optimism exists, many believe that these steps are only short-term window dressing. UC regents must take more steps to oversee the actions of the executives, in order to rid themselves of the reputation as a rubber-stamp committee appointed by the governor. Many also believe that more regents should possess backgrounds in education. State Senator Quentin Kopp, an independent from San Francisco, also has submitted a bill that would decrease the number of regents appointed by the governor and increase the number appointed by the Legislature.

I think even now there's a belief in the UC that the only answer to their problem is to get more money, that they're perfect, that they're a lean and mean $8 billion enterprise and that they couldn't cut anymore without sacrificing quality, and that's just ludicrous.

But many still maintain that a change of attitude must come from the regents themselves.

Cabaldon concurs. "They have the power to do it, it's just a question of whether or not they have the will and the competence," he says. "The will is emerging, we have yet to see whether or not they're going to demonstrate the sufficient level of attention and make that work."

And how does Cabaldon believe the regents can make a substantive difference?

"If regents would simply ask more questions at meetings and in between meetings, spend some time on campus talking to students and faculty more, if they were up in Sacramento once in a while they would see what's really going on in this system and not rely entirely on short summaries provided for them by the administration," he suggests.

Perhaps UC will weather this image-crisis storm. Shaw, executive director of the students' association, believes otherwise. "I think that the outcry over Gardner's retirement package last spring put the UC more on the defensive and presented a situation where the UC has to respond our concerns, the concerns of the public, the concerns of the legislators. Because of the media storm, an opportunity was created to actually make some changes," he said.

In the meantime, students like Michael Newland will just have to keep on toiling.

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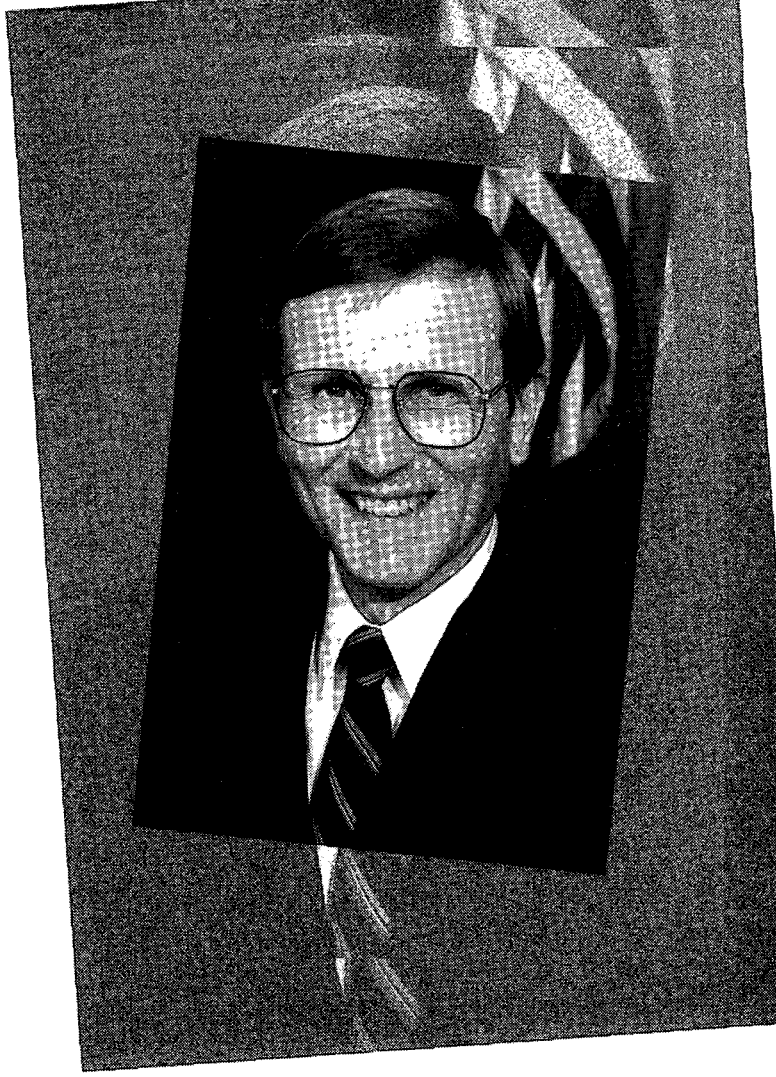

Bill Baker takes his conservative agenda — and his legislative smarts — to Congress

By Brian Fowler

Bill Baker is probably more infamous than he is famous. Known for his sharp wit and sometimes volatile comments — including a flippant reference to 17 school children visiting the Assembly chambers as "17 survivors of abortion" — the freshman congressman from the upper-middle-class suburbs east of San Francisco Bay has made a name for himself among conservative Republicans in California. But after a dozen years in the state Legislature, the question is, "What role will he play in Washington?"

"I think he'll probably spend three years being Peck's bad boy," says Democratic Assemblyman Phillip Isenberg of Sacramento, who worked with Baker on several committees, including Ways and Means where Baker did a stint as the leading minority member. "At first he'll probably be part of that over-age group of college students on the right — the Newt Gingrich types. It will be like a Young Republicans for Freedom convention, where they have nothing to do but holler and whoop it up."

"I think he'll be a catalyst for trying to organize the Republicans in the congressional delegation and trying to advance the conservative agenda," says Michael Schroeder, president of the California Republican Assembly. "He functioned in that role in California by trying to bring about a conservative coalition."

Ask Baker himself, and he's more likely to talk about business.

Baker, of Danville, represents the newly apportioned 10th District, which spreads across the inland valley east of the hills that flank San Francisco Bay and includes parts of Alameda and Contra Costa counties. It is a booming region where hordes of residents — mostly conservative whites — have settled over the last decade, causing, among other things, tremendous rush-hour traffic congestion along the few routes that funnel traffic toward San Francisco.

"One of my objectives is to improve the infrastructure in the Bay Area," says Baker. "I want to complete the BART extensions in the East Bay, work on the freeway, and bring train service to Brentwood, Martinez and Fairfield."

Of course, it will all take federal money.

"That's why I'm happy to have been appointed to the Public Works and Transportation Committee," says Baker. "So I can work on these projects personally."

Baker was also appointed to the Science, Space, and Technology Committee, where he may be in a position to protect funding for the University of California's Lawrence-Livermore Laboratory.

"We need to scale back the size of the military, but we also need to maintain our number-one position in the

Brian Fowler is a writer for California News Service, a project of the University of California, Berkeley, Graduate School of Journalism.

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world," Baker said. "We have to have a strike force second to none, and a strong intelligence network so we can keep track of what terrorist organizations are doing." With that in mind, Baker is in favor of continuing SDI research, the so-called "Star Wars" program that accounts for about $110 million of the lab's annual $1.1 billion budget. "We should start transferring technology so it can be applied to non-military purposes, but the United States still has to be ready to serve as the world's policeman."

At 52, Bill Baker is a man of faith. A father of four and a self-described family man, Baker is a fourth-generation Californian with fourth-generation values. Ask him if there should be prayer in the public schools and his eyes flash behind his wire-rimmed glasses.

"There should be prayer everywhere," Baker says. "Time should be set aside for thinking and prayer ... It's why this country is so great. The founding fathers made no bones about it. They wrote God into everything. Now we're taking Him out. "I don't see how you get through life without faith. It gives all the battles meaning."

It is the battles that Baker's colleagues in the Assembly remember him for — not just partisan battles over policy, but also battles against government gridlock. As vice chairman of the Ways and Means Committee, and as a member of the Elections, Reapportionment and Constitutional Amendments and Transportation committees, Baker was known as a Republican with clout; someone who would bargain with Democrats.

"In budget matters, you could always count on Baker to sell deals to that ideology-bound bunch of his friends who couldn't quite understand, or didn't want to understand, or understood but didn't want to act," says Isenberg. "Baker would explain it to them so they could understand."

Richard Katz, Democratic assemblyman from the eastern San Fernando Valley, is quick to concur. "Baker is someone who, when he wanted to, could put things together and make it work," he says. "You could work with him."

A former budget analyst with the state Department of Finance, Baker was the undisputed expert on fiscal matters among Assembly Republicans. Although more often than not he was willing to negotiate with his Democratic colleagues, Baker never lost sight of his main objective — to limit taxes and cut government spending.

According to Nicholas Petris, an East Bay Democratic senator from Oakland, Baker is a strong-willed man who does not cast away his principles under pressure.

"Once I was at an event with him in his Assembly district and there was a huge crowd demanding more money for education," says Petris. "After a few of them spoke, Bill Baker got up there and said, 'If you think you're going to intimidate me into voting for all this money we don't have, you're wrong ... I'm not going to do it and I'll tell you why.' And then he told them why."

"As a party, we won't miss him because we have tremendous differences," says Petris. "But personally, I will. He's always friendly and very witty. He didn't stop to ask about personal philosophy."

But it's Baker's personal philosophy that often grabs the headlines. Baker is often grouped among such conservative

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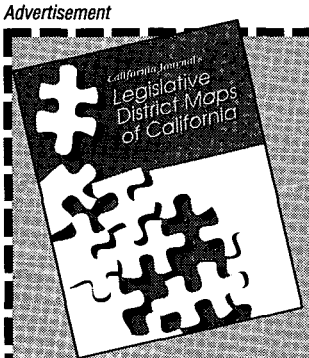

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Californians as Bruce Herschensohn, former state senator H.L. Richardson and Congressman Bob Dornan. When he defeated Walnut Creek businessman Wendell Williams in the November election, he became something very rare: a Republican congressman from the Bay Area.

Baker has never budged an inch from his staunch anti-abortion stance. Ask him if he considers abortion murder and he says, "I'm not going to get into all that name-calling... All I'll say is I've always been against abortion. I believe that life begins at the beginning and there have to be extreme reasons for terminating it." Rape, incest, and danger posed to the mother's life are the only acceptable circumstances, says Baker.

As for gay rights, Baker maintains that he has no "strong feelings" about them. "I don't think the government should be intrusive," he says. "On the other hand, I don't think the Boy Scouts should be made to be politically correct."

Should AIDS discrimination be banned? "I don't favor any laws that place any more burden on employers — laws that tell them whom to hire, whom not to hire... So I guess I wouldn't favor that."

There's no question that Baker, who says he that his favorite politician is former U.S. Secretary of Housing and Urban Development Jack Kemp, falls into the conservative faction of the Republican Party in California. And the Republican Party, Baker says, "needs strengthening of its management. If Pete Wilson were up for re-election now, I suppose it wouldn't go very well. But Dianne Feinstein lost the gubernatorial election two years and now she's a senator. In politics, a lot can happen in two years."

But Baker hedges when asked if he'll be a Wilson backer in 1992. "It's going to depend on the decisions Wilson makes between now and then," he said.

Baker does not think Democratic victories last November indicate voter dissatisfaction with conservatives. "The closest race we had [last] year was between the most conservative candidate, Herschensohn, and the most liberal candidate, Barbara Boxer. In another year, Bruce would have won. So I don't think we need to emulate the Democrats; we should set our priorities and stick to them."

In some ways, the mid-'90s will be a time for Republicans to regroup, says Baker. "No longer will the administration be user-friendly. There's some benefit to that," he says. "It means we don't have to defend the every action of the administration — a lot of what Bush was doing these last few months was open-field running. It means members of the Republican Party can stand up for what they believe."

Balancing the budget — all budgets, state and federal — is part of that belief. "We should force the administration to set priorities, they've never had to do that. They've just added on," says Baker, adding that he has seen predictions that say by the middle of the next decade, annual interest on the current federal debt will cost more than annual revenues.

Baker has mixed emotions about leaving the Assembly and moving to Washington. "I've enjoyed my relationships with other Assembly members, and I'm sure the Washington climate will be harsher, and the travelling harder," he says. But he smiles and adds, "It's a once-in-a-lifetime opportunity, and it's a real honor, and we're going to do it."

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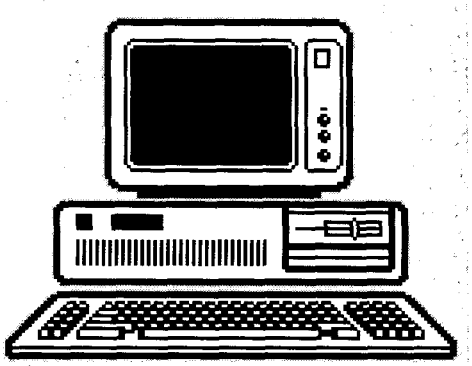

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WASHINGTON PERSPECTIVE

By LARRY LIEBERT

Immigration embroglio

On November 25, 1991, a California Democrat in the House had a dismissive response to a visit from Republican Governor Pete Wilson, who had also stopped at the White House to lobby for long-promised federal funds to help his state cope with a flood of illegal immigrants.

"THE GOVERNOR'S VISIT IS TOO LATE IN THE process to affect [the immigration] funding this year," said Representative Leon Panetta of Carmel Valley. "But he is going to the right place, because it is the administration we have had to fight to save the program."

That was then, and this is now. Panetta, of course, is now President Bill Clinton's budget director. And this time, Wilson has recruited near-unanimous bipartisan support from the California congressional delegation in an effort to win as much as $1.4 billion in federal immigration aid for the bankrupt state treasury. Their first step has been to lobby budget czar Panetta to include the funds in Clinton's federal budget proposal, due out in mid-March. Getting the money in Clinton's first budget would be a crucial first step in a far-from-certain effort to win the funding from Congress.

This particular state-federal funding struggle has been going on for years. But Wilson has made winning the immigration aid a high-stakes campaign. Suddenly, everybody seems to be interested in what was long an obscure congressional debate over programs with dreary acronyms like SLIAG (slee-ag) and IRCA (irk-ah).

SLIAG stands for State Legalization Impact Assistance Grants, which were created as part of IRCA, the Immigration Reform and Control Act in 1986. The immigration reform law, somewhat better known as the Simpson-Mazzoli Act, offered an amnesty to undocumented workers who had been in the country by 1982. Although it prohibited those granted amnesty from receiving most direct federal benefits for five years, it set up the $4 billion SLIAG program to reimburse the states for the inevitable health, education and other costs of coping with the newly legal residents.

As usual, however, there proved to be a crucial gap between the grand promise of such authorizing legislation and the dollars-and-cents funding in the annual appropriations that followed. Hit by the federal budget crunch, the Republican White House and the Democratic-controlled Congress have repeatedly put off full funding of SLIAG. California says it's owed $324 million of the funds that the feds have yet to cough up for those given amnesty. It is estimated that 1.5 million residents of California are immigrants who have taken advantage of the amnesty, more than 60 percent of the national total.

And that's not all. Wilson maintains that the "failed federal promise" to California also encompasses the costs of more than 600,000 legal refugees, nearly half of those who have entered the country since a 1980 reform of refugee laws. Taking an expansive view that critics say exaggerates the federal responsibility, Wilson's plea for funds includes not only $104 million owed to the state for services to refugees under the AFDC, SSI/SSP and Medi-Cal programs but also $209 million for welfare costs and $31 million in Medi-Cal services for the U.S-born children of undocumented parents; $534 million for Medi-Cal services to both legalized and undocumented immigrants; and $250 million spent to jail undocumented immigrants who commit crimes.

In a letter to Clinton, Wilson wrote, "The nation's immigration and refugee policy is exclusively a federal responsibility ... Exclusive federal responsibility carries with it the obligation to pay for services for immigrants and refugees which the states are mandated by the federal government to provide." Wilson reminded the former Arkansas governor that the problem of federal mandates that come without federal funding is "well-known to you."

Driven to fiscal and political desperation by his state's empty coffers, Wilson made the campaign for immigration aid a linchpin of his state budget proposal in January. If Clinton and Congress don't come through with the money by May, Wilson vowed (or threatened) to discard his barely-balanced budget plan and impose yet another round of draconian cuts on other state services.

Beyond the considerable merits of Wilson's plea for funds owed to California, his proposal had some obvious political advantages for a besieged governor who needs every gambit he can think of: For one thing, the proposal spotlighted the costs of immigrants — hardly a popular expenditure to many middle-class voters — and implicitly shifted to them some of the blame for Wilson's inability to shape up the state's devastated finances. Also, having failed to win the immigration aid from his own party's presidents, Reagan and Bush, Wilson can now shift the onus for delivering the cash onto the new Democratic administration — and to the Democratic-dominated California congressional delegation. Most intriguingly, much of the responsibility to deliver the funds in Congress will fall on Wilson's ex-rival for governor and successor as senator, Dianne Feinstein.

At first, California Democrats in Washington expressed considerable irritation, at least privately, with Wilson's demand that they come through with the immigration aid that he had failed to extract from his good buddy Bush in past years. They also justly ridiculed his demand that the money be delivered by May, which would certainly be helpful for the state's budget process but — as ex-Senator Wilson surely remembers — falls months before completion of the federal appropriations that would provide the money he sought.

BUT THE DEMOCRATS DECIDED THAT IT WOULD hardly do to demonstrate Washington's vaunted gridlock when their home state was in such dire financial straits. So the usually fractious delegation joined for a bipartisan unity breakfast when Wilson came to Washington in February to sell his immigration aid package.

Wilson, who also made a personal pitch in a meeting with Panetta, pronounced his trip a success. Aides said Wilson's May deadline had been scaled back; now he simply demands indications by then that the administration and Congress intend to come up with the funds.

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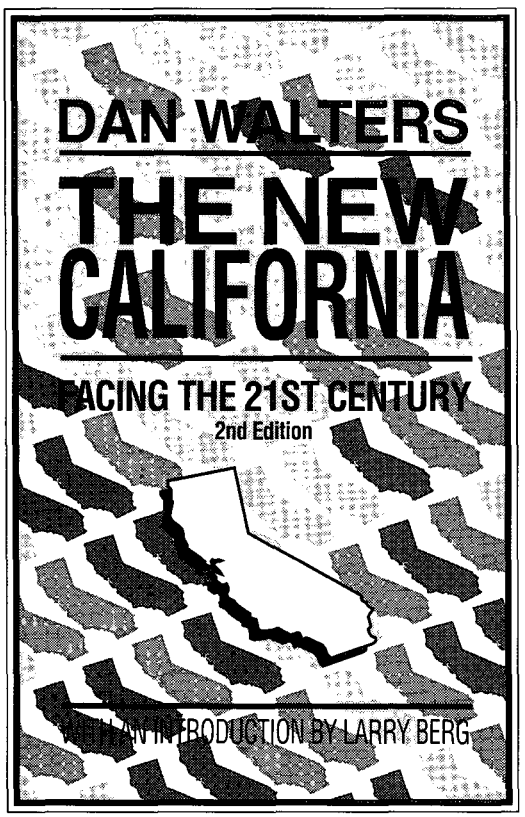

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